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APPENDIX

TO

THE CONGRESSIONAL GLOBE,

FOR THE

SECOND SESSION, THIRTY-SECOND CONGRESS:

CONTAINING

SPEECHES, IMPORTANT STATE PAPERS, LAWS, ETC.

BY JOHN C. RIVES.

NEW SERIES.....VOL. XXVII.

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APPENDIX

TO THE CONGRESSIONAL GLOBE.

THIS is the first number of the *Appendix to the Congressional Globe* for the second session of the Thirty Second Congress. It will contain all the Messages of the President of the United States, the Reports of the Executive Departments, and all the speeches of Members of Congress withheld by them for revision. All the Laws that may be passed during the session will be published in the same form, so that they may be bound up with the Congressional Globe and Appendix.

Subscription price of the Congressional Globe and Appendix and the Laws for this session, (payable in advance,) $3 00.

A sufficient number of copies will be printed to supply all who may subscribe before the 15th of January.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES.

Fellow-Citizens of the Senate and of the House of Representatives:

The brief space which has elapsed since the close of your last session has been marked by no extraordinary political event. The quadrennial election of Chief Magistrate has passed off with less than the usual excitement. However individuals and parties may have been disappointed in the result, it is nevertheless a subject of national congratulation that the choice has been effected by the independent suffrages of a free people, undisturbed by those influences which in other countries have too often affected the purity of popular elections.

Our grateful thanks are due to an All-merciful Providence, not only for staying the pestilence which in different forms has desolated some of our cities, but for crowning the labors of the husbandman with an abundant harvest, and the nation generally with the blessings of peace and prosperity.

Within a few weeks the public mind has been deeply affected by the death of Daniel Webster, filling at his decease the office of Secretary of State. His associates in the Executive Government have sincerely sympathized with his family and the public generally on this mournful occasion. His commanding talents, his great political and professional eminence, his well-tried patriotism, and his long and faithful services, in the most important public trusts, have caused his death to be lamented throughout the country, and have earned for him a lasting place in our history.

In the course of the last summer considerable anxiety was caused for a short time by an official intimation from the Government of Great Britain that orders had been given for the protection of the fisheries upon the coasts of the British Provinces in North America against the alleged encroachments of the fishing vessels of the United States and France. The shortness of this notice and the season of the year seemed to make it a matter of urgent importance. It was at first apprehended that an increased naval force had been ordered to the fishing grounds to carry into effect the British interpretation of those provisions in the convention of 1818, in reference to the true intent of which the two Governments differ. It was soon discovered that such was not the design of Great Britain, and satisfactory explanations of the real objects of the measure have been given both here and in London.

The unadjusted difference, however, between the two Governments as to the interpretation of the first article of the convention of 1818 is still a matter of importance. American fishing vessels within nine or ten years have been excluded from waters to which they had free access for twenty-five years after the negotiation of the treaty. In 1845 this exclusion was relaxed so far as concerns the Bay of Fundy, but the just and liberal intention of the Home Government, in compliance with what we think the true construction of the convention, to open all the other outer bays to our fishermen, was abandoned, in consequence of the opposition of the colonies. Notwithstanding this, the United States have, since the Bay of Fundy was reopened to our fishermen, in 1845, pursued the most liberal course toward the colonial fishing interests. By the revenue law of 1846, the duties on colonial fish entering our ports were very greatly reduced, and by the warehousing act it is allowed to be entered in bond without payment of duty. In this way colonial fish has acquired the monopoly of the export trade in our market, and is entering to some extent into the home consumption. These facts were among those which increased the sensibility of our fishing interest, at the movement in question.

These circumstances, and the incidents above alluded to, have led me to think the moment favorable for a reconsideration of the entire subject of the fisheries, on the coasts of the British Provinces, with a view to place them upon a more liberal footing of reciprocal privilege. A willingness to meet us in some arrangement of this kind is understood to exist on the part of Great Britain, with a desire on her part to include in one comprehensive settlement, as well this subject as the commercial intercourse between the United States and the British Provinces. I have thought that whatever arrangements may be made on these two subjects, it is expedient that they should be embraced in separate conventions. The illness and death of the late Secretary of State prevented the commencement of the contemplated negotiation. Pains have been taken to collect the information required for the details of such an arrangement. The subject is attended with considerable difficulty. If it is found practicable to come to an agreement mutually acceptable to the two parties, conventions may be concluded in the course of the present winter. The control of Congress over all the provisions of such an arrangement, affecting the revenue, will of course be reserved.

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the Island, and led to some acts of which we have a right to complain. But the Captain General of Cuba is clothed with no power to treat with foreign Governments, nor is he in any degree under the control of the Spanish Minister at Washington. Any communication which he may hold with an agent of a foreign Power is informal and matter of courtesy. Anxious to put an end to the existing inconveniences, (which seemed to rest on a misconception,) I directed the newly-appointed Minister to Mexico to visit Havana, on his way to Vera Cruz. He was respectfully received by the Captain General, who conferred with him freely on the recent occurrences; but no permanent arrangement was effected.

In the mean time, the refusal of the Captain General to allow passengers and the mail to be landed in certain cases, for a reason which does not furnish, in the opinion of this Government even a good presumptive ground for such prohibition, has been made the subject of a serious remonstrance at Madrid; and I have no reason to doubt that due respect will be paid by the Government of her Catholic Majesty to the representations which our Minister has been instructed to make on the subject.

It is but justice to the Captain General to add, that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the Island and this country.

Early in the present year official notes were received from the Ministers of France and England, inviting the Government of the United States to become a party with Great Britain and France to a tripartite convention, in virtue of which the three Powers should severally and collectively disclaim, now and for the future, all intention to obtain possession of the Island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of any Power or individual whatever. This invitation has been respectfully declined, for reasons which it would occupy too much space in this communication to state in detail, but which led me to think that the proposed measure would be of doubtful constitutionality, impolitic, and unavailing. I have, however, in common with several of my predecessors, directed the Ministers of France and England to be assured that the United States entertain no designs against Cuba; but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

Were this Island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But, under existing circumstances, I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect, in a prejudicial manner, the industrial interests of the South; and it might revive those conflicts of opinion between the different sections of the country, which lately shook the Union to its center, and which have been so happily compromised.

The rejection by the Mexican Congress of the convention which had been concluded between that Republic and the United States, for the protection of a transit way across the Isthmus of Tehuantepec, and of the interests of those citizens of the United States who had become proprietors of the rights which Mexico had conferred on one of her own citizens in regard to that transit, has thrown a serious obstacle in the way of the attainment of a very desirable national object. I am still willing to hope that the differences on the subject which exist, or may hereafter arise, between the Governments, will be amicably adjusted. This subject, however, has already engaged the attention of the Senate of the United States, and requires no further comment in this communication.

The settlement of the question respecting the port of San Juan de Nicaragua, and of the controversy between the Republics of Costa Rica and Nicaragua, in regard to their boundaries, was considered indispensable to the commencement of the ship-canal between the two oceans, which was the subject of the convention between the United

States and Great Britain of the 19th of April, 1850. Accordingly, a proposition for the same purposes, addressed to the two Governments in that quarter, and to the Mosquito Indians, was agreed to in April last by the Secretary of State and the Minister of her Britannic Majesty. Besides the wish to aid in reconciling the differences of the two Republics, I engaged in the negotiation from a desire to place the great work of a ship-canal between the two oceans under one jurisdiction, and to establish the important port of San Juan de Nicaragua under the government of a civilized Power. The proposition in question was assented to by Costa Rica and the Mosquito Indians. It has not proved equally acceptable to Nicaragua; but it is to be hoped that the further negotiations on the subject which are in train will be carried on in that spirit of conciliation and compromise which ought always to prevail on such occasions, and that they will lead to a satisfactory result.

I have the satisfaction to inform you that the Executive Government of Venezuela has acknowledged some claims of citizens of the United States, which have for many years past been urged by our Chargé d'Affaires at Caraccas. It is hoped that the same sense of justice will actuate the Congress of that Republic in providing the means for their payment.

The recent revolution in Buenos Ayres and the Confederated States having opened the prospect of an improved state of things in that quarter, the Governments of Great Britain and France determined to negotiate with the Chief of the new Confederacy for the free access of their commerce to the extensive countries watered by the tributaries of the La Plata; and they gave a friendly notice of this purpose to the United States, that we might, if we thought proper, pursue the same course. In compliance with this invitation, our Minister at Rio Janeiro and our Chargé d'Affaires at Buenos Ayres have been fully authorized to conclude treaties with the newly-organized Confederation, or the States composing it. The delays which have taken place in the formation of the new Government have as yet prevented the execution of those instructions; but there is every reason to hope that these vast countries will be eventually opened to our commerce.

A treaty of commerce has been concluded between the United States and the Oriental Republic of Uruguay, which will be laid before the Senate. Should this convention go into operation, it will open to the commercial enterprise of our citizens a country of great extent and unsurpassed in natural resources, but from which foreign nations have hitherto been almost wholly excluded.

The correspondence of the late Secretary of State with the Peruvian Chargé d'Affaires relative to the Lobos Islands was communicated to Congress toward the close of the last session. Since that time, on further investigation of the subject, the doubts which had been entertained of the title of Peru to those Islands have been removed; and I have deemed it just that the temporary wrong which had been unintentionally done her, from want of information, should be repaired by an unreserved acknowledgment of her sovereignty.

I have the satisfaction to inform you that the course pursued by Peru has been creditable to the liberality of her Government. Before it was known by her that her title would be acknowledged at Washington, her Minister of Foreign Affairs had authorized our Chargé d'Affaires at Lima to announce to the American vessels which had gone to the Lobos for guano, that the Peruvian Government was willing to freight them on its own account. This intention has been carried into effect by the Peruvian Minister here, by an arrangement which is believed to be advantageous to the parties in interest.

Our settlements on the shores of the Pacific have already given a great extension, and in some respects a new direction, to our commerce in that ocean. A direct and rapidly-increasing intercourse has sprung up with Eastern Asia. The waters of the Northern Pacific, even into the Arctic sea, have of late years been frequented by our whalemen. The application of steam to the general purposes of navigation is becoming daily more common, and makes it desirable to obtain fuel and other necessary supplies at convenient points on the route between Asia and our Pacific shores. Our unfortunate countrymen who from time to time suffer shipwreck on the coasts of the eastern seas are entitled to protection. Besides these specific objects, the general prosperity of our States on the Pacific requires that an attempt should be made to open the opposite regions of Asia to a mutually beneficial intercourse. It is obvious that this attempt could be made by no Power to so great advantage as by the United States, whose constitutional system excludes every idea of distant colonial dependencies. I have accordingly been led to order an appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank known to our service. He is instructed to endeavor to obtain from the Government of that country some relaxation of the inhospitable and anti-social system which it has pursued for about two centuries. He has been directed particularly to remonstrate, in the strongest language, against the cruel treatment to which our shipwrecked mariners have often been subjected, and to insist that they shall be treated with humanity. He is instructed, however, at the same time, to give that Government the amplest assurances that the objects of the United States are such, and such only, as I have indicated, and that the expedition is friendly and peaceful. Notwithstanding the jealousy with which the Governments of Eastern Asia regard all overtures from foreigners, I am not without hopes of a beneficial result of the expedition. Should it be crowned with success, the advantages will not be confined to the United States, but, as in the case of China, will be equally enjoyed by all the other maritime Powers. I have much satisfaction in stating that in all the steps preparatory to this expedition, the Government of the United States has been materially aided by the good offices of the King of the Netherlands, the only European Power having any commercial relations with Japan.

In passing from this survey of our foreign relations, I invite the attention of Congress to the condition of that department of the Government to which this branch of the public business is intrusted. Our intercourse with foreign Powers has of late years greatly increased, both in consequence of our own growth and the introduction of many new States into the family of nations. In this way the Department of State has become overburdened. It has, by the recent establishment of the Department of the Interior, been relieved of some portion of the domestic business. If the residue of the business of that kind, such as the distribution of Congressional documents, the keeping, publishing, and distribution of the laws of the United States, the execution of the copyright law, the subject of reprieves and pardons, and some other subjects relating to interior administration, should be transferred from the Department of State, it would unquestionably be for the benefit of the public service. I would also suggest that the building appropriated to the State Department is not fire-proof; that there is reason to think there are defects in its construction, and that the archives of the Government in charge of the Department, with the precious collections of the manuscript papers of Washington, Jefferson, Hamilton, Madison, and Monroe, are exposed to destruction by fire. A similar remark may be made of the buildings appropriated to the War and Navy Departments.

The condition of the Treasury is exhibited in the annual report from that Department.

The cash receipts into the Treasury for the fiscal year ending the 30th June last, exclusive of trust funds, were forty-nine millions seven hundred and twenty-eight thousand three hundred and eighty-six dollars and eighty-nine cents, ($49,728,386 89,) and the expenditures for the same period, likewise exclusive of trust funds, were forty-six millions seven thousand eight hundred and ninety-six dollars and twenty cents, ($46,007.896 20;) of which nine millions four hundred and fifty-five thousand eight hundred and fifteen dollars and eighty-three cents ($9,455,815 83) was on account of the principal and interest of the public debt, including the last installment of the indemnity to Mexico, under the treaty of Guadalupe Hidalgo, leaving a balance of $14,633,136 37 in the Treasury on the first day of July last. Since this latter period, further purchases of the principal of the public debt have been made to the extent of two millions four hundred and fifty-six thousand five hundred and forty-seven dollars and forty-nine cents, ($2,456,547 49,) and the surplus in the Treasury will continue to be applied to that object, whenever the stock can be procured within the limits, as to price, authorized by law.

The value of foreign merchandise imported during the last fiscal year was two hundred and seven millions two hundred and forty thousand one hundred and one dollars, ($207,240,101;) and the value of domestic productions exported was one hundred and forty-nine millions eight hundred and sixty-one thousand nine hundred and eleven dollars, ($149,861,911,) besides seventeen millions two hundred and four thousand and twenty-six dollars ($17,204,026) of foreign merchandise exported; making the aggregate of the entire exports one hundred and sixty-seven millions sixty-five thousand nine hundred and thirty-seven dollars, ($167,065,937;) exclusive of the above there was exported forty-two millions five hundred and seven thousand two hundred and eighty-five dollars ($42,507,285) in specie; and imported from foreign ports five millions two hundred and sixty-two thousand six hundred and forty-three dollars, ($5,262,643.)

In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff, and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.

Without repeating the arguments contained in my former message, in favor of discriminating, protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is, the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe, in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer to that extent is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England. The prosperity and wealth of every nation must depend upon its productive industry. The farmer is stimulated to exertion by finding a ready market for his surplus products, and benefited by being able to exchange them, without loss of time or expense of transportation, for the manufactures which his comfort or convenience requires. This is always done to the best advantage where a portion of the community in which he lives is engaged in other pursuits. But most manufactures require an amount of capital, and a practical skill, which cannot be commanded, unless they be protected for a time from ruinous competition from abroad. Hence the necessity of laying those duties upon imported goods which the Constitution authorizes for revenue, in such a manner as to protect and encourage the labor of our own citizens. Duties, however, should not be fixed at a rate so high as to exclude the foreign article, but should be so graduated as to enable the domestic manufacturer fairly to compete with the foreigner in our own markets; and by this competition to reduce the price of the manufactured article to the consumer to the lowest rate at which it can be produced. This policy would place the mechanic by the side of the farmer, create a mutual interchange of their respective commodities, and thus stimulate the industry of the whole country, and render us independent of foreign nations for the supplies required by the habits or necessities of the people.

Another question, wholly independent of protection, presents itself; and that is, whether the duties levied should be upon the value of the article at the place of shipment, or, where it is practicable, a specific duty, graduated according to quantity, as ascertained by weight or measure. All our duties are at present *ad valorem*. A certain per centage is levied on the price of the goods at the port of shipment in a foreign country. Most com-

mercial nations have found it indispensable, for the purpose of preventing fraud and perjury, to make the duties specific whenever the article is of such a uniform value in weight or measure as to justify such a duty. Legislation should never encourage dishonesty, or crime. It is impossible that the revenue officers at the port where the goods are entered and the duties paid, should know with certainty what they cost in the foreign country. Yet the law requires that they should levy the duty according to such cost. They are therefore compelled to resort to very unsatisfactory evidence to ascertain what that cost was. They take the invoice of the importer, attested by his oath, as the best evidence of which the nature of the case admits. But every one must see that the invoice may be fabricated, and the oath by which it is supported false, by reason of which the dishonest importer pays a part only of the duties which are paid by the honest one, and thus indirectly receives from the Treasury of the United States a reward for his fraud and perjury. The reports of the Secretary of the Treasury, heretofore made on this subject, show conclusively that these frauds have been practiced to a great extent. The tendency is to destroy that high moral character for which our merchants have long been distinguished; to defraud the Government of its revenue; to break down the honest importer by a dishonest competition; and, finally, to transfer the business of importation to foreign and irresponsible agents, to the great detriment of our own citizens. I therefore again most earnestly recommend the adoption of specific duties, wherever it is practicable, or a home valuation, to prevent these frauds.

I would also again call your attention to the fact that the present tariff in some cases imposes a higher duty upon the raw material imported, than upon the article manufactured from it; the consequence of which is, that the duty operates to the encouragement of the foreigner and the discouragement of our own citizens.

For full and detailed information in regard to the general condition of our Indian affairs, I respectfully refer you to the report of the Secretary of the Interior and the accompanying documents.

The Senate not having thought proper to ratify the treaties which had been negotiated with the tribes of Indians in California and Oregon, our relations with them have been left in a very unsatisfactory condition.

In other parts of our territory particular districts of country have been set apart for the exclusive occupation of the Indians, and their right to the lands within those limits has been acknowledged and respected. But in California and Oregon there has been no recognition by the Government of the exclusive right of the Indians to any part of the country. They are therefore mere tenants at sufferance, and liable to be driven from place to place, at the pleasure of the whites.

The treaties which have been rejected proposed to remedy this evil by allotting to the different tribes districts of country suitable to their habits of life, and sufficient for their support. This provision, more than any other, it is believed, led to their rejection; and as no substitute for it has been adopted by Congress, it has not been deemed advisable to attempt to enter into new treaties of a permanent character, although no effort has been spared by temporary arrangements to preserve friendly relations with them.

If it be the desire of Congress to remove them from the country altogether, or to assign to them particular districts more remote from the settlements of the whites, it will be proper to set apart by law the territory which they are to occupy, and to provide the means necessary for removing them to it. Justice alike to our own citizens and to the Indians requires the prompt action of Congress on this subject.

The amendments proposed by the Senate, to the treaties which were negotiated with the Sioux Indians of Minnesota, have been submitted to the tribes who were parties to them, and have received their assent. A large tract of valuable territory has thus been opened for settlement and cultivation, and all danger of collision with these powerful and warlike bands has been happily removed.

The removal of the remnant of the tribe of Seminole Indians from Florida has long been a cherished object of the Government, and it is one to which my attention has been steadily directed. Admonished by past experience of the difficulty and cost of the attempt to remove them by military force, resort has been had to conciliatory measures. By the invitation of the Commissioner of Indian Affairs several of the principal chiefs recently visited Washington, and whilst here acknowledged, in writing, the obligation of their tribe to remove with the least possible delay. Late advices from the special agent of the Government represent that they adhere to their promise, and that a council of their people has been called to make their preliminary arrangements. A general emigration may therefore be confidently expected at an early day.

The report from the General Land Office shows increased activity in its operations. The survey of the northern boundary of Iowa has been completed with unexampled dispatch. Within the last year 9,822,953 acres of public land have been surveyed, and 5,032,463 acres brought into market.

In the last fiscal year there were sold	1,553,071	acres.
Located with bounty land warrants	3,201,314	"
Located with other certificates	115,682	"
Making a total of	4,870,067	"
In addition, there were—		
Reported under swamp land grants	5,219,188	"
For internal improvements, railroads, &c.	3,025,920	"
Making an aggregate of	13,115,175	"

Being an increase in the amount of lands sold and located under land warrants of 569,220 acres over the previous year.

The whole amount thus sold, located under land warrants, reported under swamp land grants, and selected for internal improvements, exceeds that of the previous year by 3,342,372 acres; and the sales would, without doubt, have been much larger but for the extensive reservations for railroads in Missouri, Mississippi, and Alabama.

For the quarter ending 30th September, 1852, there were sold	243,255	acres.
Located with bounty land warrants	1,387,116	"
Located with other certificates	15,649	"
Reported under swamp land grants	2,485,233	"
Making an aggregate for the quarter of	4,131,253	"

Much the larger portion of the labor of arranging and classifying the returns of the last census has been finished, and it will now devolve upon Congress to make the necessary provision for the publication of the results in such form as shall be deemed best. The apportionment of representation, on the basis of the new census, has been made by the Secretary of the Interior, in conformity with the provisions of law relating to that subject, and the recent elections have been made in accordance with it.

I commend to your favorable regard the suggestion contained in the report of the Secretary of the Interior, that provision be made by law for the publication and distribution, periodically, of an analytical digest of all the patents which have been, or may hereafter be, granted for useful inventions and discoveries, with such descriptions and illustrations as may be necessary to present an intelligible view of their nature and operation. The cost of such publication could easily be defrayed out of the patent fund; and I am persuaded that it could be applied to no object more acceptable to inventors, and beneficial to the public at large.

An appropriation of $100,000 having been made at the last session for the purchase of a suitable site, and for the erection, furnishing, and fitting up of an Asylum for the Insane of the District of Columbia, and of the Army and Navy of the United States, the proper measures have been adopted to carry this beneficent purpose into effect.

By the latest advices from the Mexican Boundary Commission, it appears that the survey of the river Gila, from its confluence with the Colorado to its supposed intersection with the western line of New Mexico, has been completed. The survey of the Rio Grande has also been finished from the point agreed on by the Commissioners as "the point where it strikes the southern boundary of New Mexico" to a point one hundred and thirty-five miles below Eagle Pass, which is about two thirds of the distance along the course of the river to its mouth.

The appropriation which was made at the last session of Congress for the continuation of the survey is subject to the following proviso:

"*Provided*, That no part of this appropriation 'shall be used or expended until it shall be made 'satisfactorily to appear to the President of the 'United States that the southern boundary of New 'Mexico is not established by the commissioner 'and surveyor of the United States further north 'of the town called 'Paso' than the same is laid 'down in Disturnell's map, which is added to the 'treaty."

My attention was drawn to this subject by a report from the Department of the Interior, which reviewed all the facts of the case, and submitted for my decision the question whether, under existing circumstances, any part of the appropriation could be lawfully used or expended for the further prosecution of the work. After a careful consideration of the subject, I came to the conclusion that it could not, and so informed the head of that Department. Orders were immediately issued by him to the commissioner and surveyor to make no further requisitions on the Department, as they could not be paid, and to discontinue all operations on the southern line of New Mexico. But as the Department had no exact information as to the amount of provisions and money which remained unexpended in the hands of the commissioner and surveyor, it was left discretionary with them to continue the survey down the Rio Grande as far as the means at their disposal would enable them, or at once to disband the Commission. A special messenger has since arrived from the officer in charge of the survey on the river, with information that the funds subject to his control were exhausted, and that the officers and others employed in the service were destitute alike of the means of prosecuting the work and of returning to their homes.

The object of the proviso was doubtless to arrest the survey of the southern and western lines of New Mexico, in regard to which different opinions have been expressed; for it is hardly to be supposed that there could be any objection to that part of the line which extends along the channel of the Rio Grande. But the terms of the law are so broad as to forbid the use of any part of the money for the prosecution of the work, or even for the payment, to the officers and agents, of the arrearages of pay which are justly due to them.

I earnestly invite your prompt attention to this subject, and recommend a modification of the terms of the proviso, so as to enable the Department to use as much of the appropriation as will be necessary to discharge the existing obligations of the Government, and to complete the survey of the Rio Grande to its mouth.

It will also be proper to make further provision by law for the fulfillment of our treaty with Mexico, for running and marking the residue of the boundary line between the two countries.

Permit me to invite your particular attention to the interests of the District of Columbia, which are confided by the Constitution to your peculiar care.

Among the measures which seem to me of the greatest importance to its prosperity, are the introduction of a copious supply of water into the city of Washington, and the construction of suitable bridges across the Potomac, to replace those which were destroyed by high water in the early part of the present year.

At the last session of Congress an appropriation was made to defray the cost of the surveys necessary for determining the best means of affording an unfailing supply of good and wholesome water. Some progress has been made in the survey, and as soon as it is completed the result will be laid before you.

Further appropriations will also be necessary for grading and paving the streets and avenues, and inclosing and embellishing the public grounds within the city of Washington.

I commend all these objects, together with the charitable institutions of the District, to your favorable regard.

Every effort has been made to protect our frontier, and that of the adjoining Mexican States, from the incursions of the Indian tribes. Of about eleven thousand men of which the Army is composed, nearly eight thousand are employed in the defense of the newly-acquired territory, (including Texas,) and of emigrants proceeding thereto. I am gratified to say that these efforts have been unusually successful. With the exception of some partial outbreaks in California and Oregon, and occasional depredations on a portion of the Rio Grande, owing, it is believed, to the disturbed state of that border region, the inroads of the Indians have been effectually restrained.

Experience has shown, however, that whenever the two races are brought into contact, collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union, she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians; but as fast as her settlements advance lays it off into counties, and proceeds to survey and sell it. This policy manifestly tends, not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this Government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from considerations of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject of course to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico, and our duty to the Indians themselves, will, it is feared, become a subject of serious embarrassment to the Government. It is hoped, however, that a timely and just provision by Texas may avert this evil.

No appropriations for fortifications were made at the last two sessions of Congress. The cause of this omission is, probably, to be found in a growing belief that the system of fortifications adopted in 1816, and heretofore acted on, requires revision.

The subject certainly deserves full and careful investigation; but it should not be delayed longer than can be avoided. In the mean time there are certain works which have been commenced—some of them nearly completed—designed to protect our principal sea-ports, from Boston to New Orleans, and a few other important points. In regard to the necessity for these works, it is believed that little difference of opinion exists among military men. I therefore recommend that the appropriations necessary to prosecute them be made.

I invite your attention to the remarks on this subject, and on others connected with his Department, contained in the accompanying report of the Secretary of War.

Measures have been taken to carry into effect the law of the last session making provision for the improvement of certain rivers and harbors, and it is believed that the arrangements made for that purpose will combine efficiency with economy. Owing chiefly to the advanced season when the act was passed, little has yet been done in regard to many of the works beyond making the necessary preparations. With respect to a few of the improvements, the sums already appropriated will suffice to complete them, but most of them will require additional appropriations. I trust that these appropriations will be made, and that this wise and beneficent policy, so auspiciously resumed, will be continued. Great care should be taken, however, to commence no work which is not of sufficient importance to the commerce of the country to be viewed as national in its character. But works which have been commenced should not be discontinued until completed, as otherwise the sums expended will, in most cases, be lost.

The report from the Navy Department will inform you of the prosperous condition of the branch of the public service committed to its charge. It presents to your consideration many topics and suggestions of which I ask your approval. It exhibits an unusual degree of activity in the operations of the Department during the past year. The preparations for the Japan expedition, to which I have already alluded; the arrangements made for the exploration and survey of the China Seas, the Northern Pacific, and Behring's Straits; the incipient measures taken towards a reconnoissance of the Continent of Africa eastward of Liberia; the preparation for an early examination of the tributaries of the river La Plata, which a recent decree of the Provisional Chief of the Argentine Confederation has opened to navigation; all these enterprises, and the means by which they are proposed to be accomplished, have commanded my full approbation, and I have no doubt will be productive of most useful results.

Two officers of the Navy were heretofore instructed to explore the whole extent of the Amazon river, from the confines of Peru to its mouth. The return of one of them has placed in the possession of the Government an interesting and valuable account of the character and resources of a country abounding in the materials of commerce, and which, if opened to the industry of the world, will prove an inexhaustible fund of wealth. The report of this exploration will be communicated to you as soon as it is completed.

Among other subjects offered to your notice by the Secretary of the Navy, I select for special commendation, in view of its connection with the interests of the Navy, the plan submitted by him for the establishment of a permanent corps of seamen, and the suggestions he has presented for the reorganization of the Naval Academy.

In reference to the first of these, I take occasion to say that I think it will greatly improve the efficiency of the service, and that I regard it as still more entitled to favor for the salutary influence it must exert upon the naval discipline, now greatly disturbed by the increasing spirit of insubordination, resulting from our present system. The plan proposed for the organization of the seamen furnishes a judicious substitute for the law of September, 1850, abolishing corporal punishment, and satisfactorily sustains the policy of that act, under conditions well adapted to maintain the authority of command and the order and security of our ships. It is believed that any change which proposes permanently to dispense with this mode of punishment, should be preceded by a system of enlistment which shall supply the Navy with seamen of the most meritorious class, whose good deportment and pride of character may preclude all occasion for a resort to penalties of a harsh or degrading nature. The safety of a ship and her crew is often dependent upon immediate obedience to a command, and the authority to enforce it must be equally ready. The arrest of a refractory seaman, in such moments, not only deprives the ship of indispensable aid, but imposes a necessity for double service on others whose fidelity to their duties may be relied upon in such an emergency. The exposure to this increased and arduous labor, since the passage of the act of 1850, has already had, to a most observable and injurious extent, the effect of preventing the enlistment of the best seamen in the Navy. The plan now suggested is designed to promote a condition of service in which this objection will no longer exist. The details of this plan may be established in great part, if not altogether, by the Executive, under the authority of existing laws; but I have thought it proper, in accordance with the suggestion of the Secretary of the Navy, to submit it to your approval.

The establishment of a corps of apprentices for the Navy, or boys to be enlisted until they become of age, and to be employed under such regulations as the Navy Department may devise, as proposed in the report, I cordially approve and commend to your consideration; and I also concur in the suggestion that this system for the early training of seamen may be most usefully ingrafted upon the service of our merchant-marine.

The other proposition of the report to which I have referred—the reorganization of the Naval Academy—I recommend to your attention as a project worthy of your encouragement and support. The valuable services already rendered by this institution entitle it to the continuance of your fostering care.

Your attention is respectfully called to the report of the Postmaster General for the detailed operation of his Department during the last fiscal year, from which it will be seen that the receipts from postages for that time were less by $1,431,696 than for the preceding fiscal year, being a decrease of about 23 per cent.

This diminution is attributable to the reduction in the rates of postage made by the act of March 3, 1851, which reduction took effect at the commencement of the last fiscal year.

Although in its operation during the last year the act referred to has not fulfilled the predictions of its friends by increasing the correspondence of the country in proportion to the reduction of postage, I should nevertheless question the policy of returning to higher rates. Experience warrants the expectation that as the community becomes accustomed to cheap postage, correspondence will increase. It is believed that from this cause, and from the rapid growth of the country in population and business, the receipts of the Department must ultimately exceed its expenses, and that the country may safely rely upon the continuance of the present cheap rate of postage.

In former messages I have, among other things, respectfully recommended to the consideration of Congress the propriety and necessity of further legislation for the protection and punishment of foreign consuls residing in the United States; to revive with certain modifications the act of 10th March, 1838, to restrain unlawful military expeditions against the inhabitants of conterminous States or Territories; for the preservation and protection from mutilation or theft of the papers, records, and archives of the nation; for authorizing the surplus revenue to be applied to the payment of the public debt in advance of the time when it will become due; for the establishment of land offices for the sale of the public lands in California and the Territory of Oregon; for the construction of a road from the Mississippi valley to the Pacific ocean; for the establishment of a Bureau of Agriculture for the promotion of that interest, perhaps the most important in the country; for the prevention of frauds upon the Government in applications for pensions and bounty lands; for the establishment of a uniform fee bill, prescribing a specific compensation for every service required of clerks, district attorneys, and marshals; for authorizing an additional regiment of mounted men, for the defense of our frontiers against the Indians, and for fulfilling our treaty stipulations with Mexico to defend her citizens against the Indians "with equal diligence and energy as our own;" for determining the relative rank between the naval and civil officers in our public ships, and between the officers of the Army and Navy in the various grades of each; for reorganizing the naval establishment by fixing the number of officers in each grade, and providing for a retired list upon reduced pay of those unfit for active duty; for prescribing and regulating punishments in the Navy; for the appointment of a commission to revise the public statutes of the United States, by arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its final action; and for the establishment of a commission to adjudicate and settle private claims against the United States. I am not aware, however, that any of these subjects have been finally acted upon by Congress. Without repeating the reasons for legislation on these subjects which have been assigned in former messages, I respectfully recommend them again to your favorable consideration.

I think it due to the several Executive Departments of this Government, to bear testimony to the efficiency and integrity with which they are conducted. With all the careful superintendence which it is possible for the heads of those Departments to exercise, still the due administration and guardianship of the public money must very much depend on the vigilance, intelligence, and fidelity of the subordinate officers and clerks, and especially on those intrusted with the settlement and adjustment of claims and accounts. I am gratified to believe that they have generally performed their duties faithfully and well. They are appointed to guard the approaches to the public Treasury, and they occupy positions that expose them to all the temptations and seductions which the cupidity of

peculators and fraudulent claimants can prompt them to employ. It will be but a wise precaution to protect the Government against that source of mischief and corruption, as far as it can be done, by the enactment of all proper legal penalties. The laws, in this respect, are supposed to be defective, and I therefore deem it my duty to call your attention to the subject, and to recommend that provision be made by law for the punishment not only of those who shall accept bribes, but also of those who shall either promise, give, or offer to give to any of those officers or clerks a bribe or reward touching or relating to any matter of their official action or duty.

It has been the uniform policy of this Government, from its foundation to the present day, to abstain from all interference in the domestic affairs of other nations. The consequence has been, that while the nations of Europe have been engaged in desolating wars, our country has pursued its peaceful course to unexampled prosperity and happiness. The wars in which we have been compelled to engage, in defense of the rights and honor of the country, have been fortunately of short duration. During the terrific contest of nation against nation, which succeeded the French Revolution, we were enabled, by the wisdom and firmness of President Washington, to maintain our neutrality. While other nations were drawn into this wide sweeping whirlpool, we sat quiet and unmoved upon our own shores. While the flower of their numerous armies was wasted by disease, or perished by hundreds of thousands upon the battle-field, the youth of this favored land were permitted to enjoy the blessings of peace beneath the paternal roof. While the States of Europe incurred enormous debts, under the burden of which their subjects still groan, and which must absorb no small part of the product of the honest industry of those countries for generations to come, the United States have once been enabled to exhibit the proud spectacle of a nation free from public debt; and, if permitted to pursue our prosperous way for a few years longer in peace, we may do the same again.

But it is now said by some that this policy must be changed. Europe is no longer separated from us by a voyage of months, but steam navigation has brought her within a few days' sail of our shores. We see more of her movements, and take a deeper interest in her controversies. Although no one proposes that we should join the fraternity of potentates who have for ages lavished the blood and treasure of their subjects in maintaining "the balance of power," yet it is said that we ought to interfere between contending sovereigns and their subjects, for the purpose of overthrowing the monarchies of Europe and establishing in their place republican institutions. It is alleged that we have heretofore pursued a different course from a sense of our weakness, but that now our conscious strength dictates a change of policy, and that it is consequently our duty to mingle in these contests and aid those who are struggling for liberty.

This is a most seductive but dangerous appeal to the generous sympathies of freemen. Enjoying as we do the blessings of a free Government, there is no man who has an American heart that would not rejoice to see these blessings extended to all other nations. We cannot witness the struggle between the oppressed and his oppressor any where without the deepest sympathy for the former, and the most anxious desire for his triumph. Nevertheless, is it prudent or is it wise to involve ourselves in these foreign wars? Is it indeed true that we have heretofore refrained from doing so merely from the degrading motive of a conscious weakness? For the honor of the patriots who have gone before us, I cannot admit it. Men of the Revolution who drew the sword against the oppressions of the mother country, and pledged to Heaven "their lives, their fortunes, and their sacred honor" to maintain their freedom, could never have been actuated by so unworthy a motive. They knew no weakness or fear where right or duty pointed the way, and it is a libel upon their fair fame for us, while we enjoy the blessings for which they so nobly fought and bled, to insinuate it. The truth is, that the course which they pursued was dictated by a stern sense of international justice; by a statesman-like prudence and a far-seeing wisdom, looking not merely to the present necessities, but to the permanent safety and interest of the country. They knew that the world is governed less by sympathy than by reason and force; that it was not possible for this nation to become a "propagandist" of free principles without arraying against it the combined Powers of Europe; and that the result was more likely to be the overthrow of republican liberty here than its establishment there. History has been written in vain for those who can doubt this. France had no sooner established a republican form of government than she manifested a desire to force its blessings on all the world. Her own historian informs us that, hearing of some petty acts of tyranny in a neighboring principality, "The National Convention declared that she 'would afford succor and fraternity to all nations 'who wished to recover their liberty; and she 'gave it in charge of the executive power to give 'orders to the generals of the French armies to aid 'all citizens who might have been or should be 'oppressed in the cause of liberty." Here was the false step which led to her subsequent misfortunes. She soon found herself involved in war with all the rest of Europe. In less than ten years her government was changed from a Republic to an Empire; and finally, after shedding rivers of blood, foreign Powers restored her exiled dynasty, and exhausted Europe sought peace and repose in the unquestioned ascendency of monarchial principles. Let us learn wisdom from her example. Let us remember that revolutions do not always establish freedom. Our own free institutions were not the offspring of our Revolution. They existed before. They were planted in the free charters of self-government under which the English colonies grew up, and our Revolution only freed us from the dominion of a foreign Power, whose government was at variance with those institutions. But European nations have had no such training for self-government, and every effort to establish it by bloody revolutions has been, and must, without that preparation, continue to be a failure. Liberty, unregulated by law, degenerates into anarchy, which soon becomes the most horrid of all despotisms. Our policy is wisely to govern ourselves, and thereby to set such an example of national justice, prosperity, and true glory, as shall teach to all nations the blessings of self-government, and the unparalleled enterprise and success of a free people.

We live in an age of progress, and ours is emphatically a country of progress. Within the last half-century the number of States in this Union has nearly doubled, the population has almost quadrupled, and our boundaries have been extended from the Mississippi to the Pacific. Our territory is chequered over with railroads, and furrowed with canals. The inventive talent of our country is excited to the highest pitch, and the numerous applications for patents for valuable improvements distinguish this age and this people from all others. The genius of one American has enabled our commerce to move against wind and tide, and that of another has annihilated distance in the transmission of intelligence. The whole country is full of enterprise. Our common schools are diffusing intelligence among the people, and our industry is fast accumulating the comforts and luxuries of life. This is in part owing to our peculiar position, to our fertile soil, and comparatively sparse population; but much of it is also owing to the popular institutions under which we live, to the freedom which every man feels to engage in any useful pursuit, according to his taste or inclination, and to the entire confidence that his person and property will be protected by the laws. But whatever may be the cause of this unparalleled growth in population, intelligence, and wealth, one thing is clear, that the Government must keep pace with the progress of the people. It must participate in their spirit of enterprise, and while it exacts obedience to the laws, and restrains all unauthorized invasions of the rights of neighboring States, it should foster and protect home industry, and lend its powerful strength to the improvement of such means of intercommunication as are necessary to promote our internal commerce and strengthen the ties which bind us together as a people.

It is not strange, however much it may be regretted, that such an exuberance of enterprise should cause some individuals to mistake change for progress, and the invasion of the rights of others for national prowess and glory. The former are constantly agitating for some change in the organic law, or urging new and untried theories of human rights. The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise, and without looking at the fatal consequences to ourselves and to the cause of popular government. Such expeditions, however, are often stimulated by mercenary individuals, who expect to share the plunder or profit of the enterprise without exposing themselves to danger, and are led on by some irresponsible foreigner, who abuses the hospitality of our own Government by seducing the young and ignorant to join in his scheme of personal ambition or revenge, under the false and delusive pretense of extending the area of freedom. These reprehensible aggressions but retard the true progress of our nation and tarnish its fair fame. They should, therefore, receive the indignant frowns of every good citizen who sincerely loves his country and takes a pride in its prosperity and honor.

Our Constitution, though not perfect, is doubtless the best that ever was formed. Therefore, let every proposition to change it be well weighed, and if found beneficial, cautiously adopted. Every patriot will rejoice to see its authority so exerted as to advance the prosperity and honor of the nation, whilst he will watch with jealousy any attempt to mutilate this charter of our liberties, or pervert its powers to acts of aggression or injustice. Thus shall conservatism and progress blend their harmonious action in preserving the form and spirit of the Constitution, and at the same time carry forward the great improvements of the country with a rapidity and energy which freemen only can display.

In closing this, my last annual communication, permit me, fellow-citizens, to congratulate you on the prosperous condition of our beloved country. Abroad its relations with all foreign Powers are friendly; its rights are respected, and its high place in the family of nations cheerfully recognized. At home we enjoy an amount of happiness, public and private, which has probably never fallen to the lot of any other people. Besides affording to our own citizens a degree of prosperity, of which on so large a scale I know of no other instance, our country is annually affording a refuge and a home to multitudes, altogether without example, from the Old World.

We owe these blessings, under Heaven, to the happy Constitution and Government which were bequeathed to us by our fathers, and which it is our sacred duty to transmit in all their integrity to our children. We must all consider it a great distinction and privilege to have been chosen by the people to bear a part in the administration of such a Government. Called by an unexpected dispensation to its highest trust, at a season of embarrassment and alarm, I entered upon its arduous duties with extreme diffidence. I claim only to have discharged them to the best of an humble ability, with a single eye to the public good; and it is with devout gratitude, in retiring from office, that I leave the country in a state of peace and prosperity.

MILLARD FILLMORE.

WASHINGTON, *December* 6, 1852.

Report of the Secretary of War.

WAR DEPARTMENT,
WASHINGTON, *December* 4, 1852.

SIR: I beg leave to submit a brief account of the operations of this Department during the year.

The efforts of the Department have been principally directed to the defense of our frontiers and those of Mexico from the Indian tribes within our borders. For this purpose, out of about 11,000 officers and men borne on the rolls of the Army, about 8,000 are employed in the defense of Texas, New Mexico, California, and Oregon, or of emigrants destined to the last two.

It affords me great pleasure to say that the efforts of the Department for this purpose have been attended with more than usual success.

The benefits that were anticipated from the judicious arrangements made by the commanders of the 8th and 9th military departments (Texas and

New Mexico) have been fully realized. With the exception of a portion of the Rio Grande country, the former has been comparatively exempt from Indian depredations. A number of persons of desperate character and fortunes were attracted to that frontier by the lawless attempts of Carvajal, and after his defeat they dispersed through the country, and resorted to plunder for subsistence. On the other hand, many of the inhabitants of Mexico either sought to avenge themselves for the wrongs inflicted on them by that adventurer and his followers, or found in his lawless proceedings a justification for their own, and retaliated on the peaceable inhabitants.

The Indians in that vicinity availed themselves of the confusion and alarm consequent upon this state of things to renew their depredations. Thefts, robberies, and even assassinations were the consequence.

Although the prevention or punishment of disorders like these, when committed by others than Indians, belongs rather to the civil authorities of the State than to the military force of the United States, the commanding officer used every exertion to put a stop to them, and for that purpose ordered several additional companies of troops to the part of the State where they had occurred. It is believed that these measures have been, at least partially, successful. So long, however, as the species of border warfare which has lately been carried on in that region between the inhabitants of the two countries continues, it will be difficult, if not impossible, with any number of troops, and with the strictest vigilance on the part of their officers, to prevent, on so extensive a frontier, a repetition of these disorders.

In New Mexico, the depredations of the Indians have been entirely arrested. The Navajos and the Apaches, the two most formidable tribes in all that region, have been completely overawed, and manifest every desire to be at peace with the whites.

In consequence of frequent collisions between the Indians and the white inhabitants of California and Oregon, it was deemed advisable to send the fourth regiment of infantry to the Pacific, to replace the mounted riflemen that had been ordered thence to Texas.

Intelligence has been recently received that the Yuma Indians, a bold and hostile tribe, occupying a portion of country on the Gila and Colorado rivers, whose inroads and depredations have been the source of frequent annoyance and alarm to the inhabitants both of our own territory and of the Mexican State of Sonora, have agreed to a peace.

The troops stationed on the frontier may justly be considered as in active service—a service, too, in which they are exposed to all the hardships and dangers of war without its excitement to stimulate or its hopes of honorable distinction to sustain them.

Owing to the many officers who, from disability or other causes, are excused from duty, the cares and responsibilities of command frequently devolve on a small number; and the establishment, during the last season, of a number of new posts, has added very much to the labors both of the officers and men; nevertheless, it affords me great pleasure to bear testimony to the cheerfulness and alacrity with which all have discharged their duties. To Brevet Major General Smith and Brevet Colonel Sumner, in particular, much praise is due. The former, although in feeble health, has been unremitting in his exertions; and to his energy and judicious arrangements his department is greatly indebted for the comparative tranquillity it enjoys. The latter has not only succeeded in arresting the incursions of the Indians within his command, but has greatly reduced its expenditures.

Brevet Brigadier General Hitchcock has also displayed great energy and prudence, and done all that it was possible to do with a very inadequate force, and amid many difficulties and embarrassments, to protect his extensive command.

I regret to say that the attempt to cultivate farms by the troops has, but in few instances, during the past season, been attended with beneficial results. This failure is owing in part to the constant activity in which it has been found necessary to keep the troops, and to the necessity of employing them in the construction of barracks and in other works at the many new posts that have recently been established. Hopes are entertained, however, that when a fair trial of the experiment can be made, it will, at least at such of the posts as are favorably situated for the purpose, be more successful.

In spite of this failure, of the unusual activity of the troops during the past season, and of the fact that so large a portion of them are stationed on the remote frontier, I have the satisfaction to announce that the expenditures have been considerably reduced, and this, too, in the Quartermaster's Department—that branch of the service of which the expenditures are most affected by these circumstances. The expenses of that department, ascertained and estimated, (exclusive of clothing, the amount of which is fixed by permanent regulations,) continue to exhibit an annual decrease, viz: for the current year, as compared with the last year, a reduction of $501,252, and for the next year, as compared with the current year, a further reduction of $500,000.

In spite, however, of every effort to reduce the expenses of the Army, they must continue to be very great in proportion to its numbers, so long as it is necessary to maintain so large a force in countries which supply so little of what is necessary to its support as those in which the greater part of it is now stationed. I beg leave, therefore, to repeat the suggestion contained in my last annual report, that sound policy, no less than humanity, requires that some other means than force should be tried to restrain the Indians and to prevent the frequent collisions that occur between them and the white inhabitants in their neighborhood. The whole history of our country shows that whenever the two races are brought frequently into contact, collisions (generally produced by aggressions of the stronger on the weaker party) are inevitable. I know of no other means by which those collisions can be prevented than a rigid adherence to the policy which has heretofore been successfully pursued, of setting apart a portion of territory for the exclusive occupancy of the Indians.

A difficulty occurs in the application of this policy to Texas. By the terms of the compact admitting that State into the Union she reserved to herself all the vacant territory within her limits. It is understood that she acknowledges no right of occupancy in the Indians within her borders, but proceeds to lay off her territory into counties, and as fast as it is needed, to sell it, without assigning any portion of it to them, or providing in any other mode for their support. Nothing could be more calculated to alarm and irritate the Indians and to produce collisions between them and the whites than the adoption of this policy. It, in fact, drives the Indians to desperation, by leaving them no alternative but to steal or to starve. It also deprives the Government of the United States of that control over them and of the territory they occupy which is necessary for their own preservation as well as for the safety of the white settlements in their vicinity. If the United States are bound to protect Texas against the Indians, it is manifest that the Government of that State should do nothing to thwart, but, on the contrary, all in its power to promote, the fulfillment of this duty. I therefore respectfully suggest the expediency of endeavoring to make some arrangement with that State whereby a portion of her vast unoccupied domain may be temporarily allotted to the exclusive occupancy of the Indians within her borders.

What policy, however, it may be deemed proper to adopt in reference to the Indian tribes in Texas, California, and Oregon, is a question only of humanity or of temporary policy, as the period cannot be very remote when they will be swept before the resistless tide of emigration which continually flows towards these countries.

The case is different with regard to New Mexico. That Territory is so remote and inaccessible, and holds out such little inducement to emigration, that the struggle between the two races is destined, in all probability, to continue there long after it shall have ceased in every other portion of the continent.

By the last census the total population of New Mexico, exclusive of wild Indians, is (in round numbers) 61,000 souls, and its whole real estate is estimated at (in round numbers) $2,700,000.

To protect this small population we are compelled to maintain a large military force, at an annual expense nearly equal to half the value of the whole real estate of the Territory. Would it not be better to induce the inhabitants to abandon a country which seems hardly fit for the habitation of civilized man, by remunerating them for their property in money or in lands situated in more favored regions? Even if the Government paid for the property quintuple its value, it would still, merely on the score of economy, be largely the gainer by the transaction, and the troops now stationed in New Mexico would be available for the protection of other portions of our own and of the Mexican territory. Unless the means I have indicated, or some other, be adopted to relieve the Indians from the necessity of plundering to procure the means of subsistence, their depredations must not only continue but increase. This would require a corresponding increase in the means of protection. In that view I concur in the recommendation of the General-in-Chief, that an additional regiment of mounted men be authorized.

Allow me to call your attention to the state of our defenses on the sea-coast.

Shortly after the termination of the last war with Great Britain a Board of Engineers was organized to prepare a system of coast defense.

This Board recommended that fortifications be constructed at a number of points on the sea-coast and on the northern lakes. Their recommendation was adopted, and its execution was commenced, first, by repairing and enlarging such of the old works as were deemed worthy of preservation; secondly, by the construction of new works, beginning, of course, with those that were considered the most important.

Although doubts have been occasionally expressed whether some of the works proposed by the Board might not be dispensed with, and whether others were not on a scale unnecessarily large, the works recommended by it slowly but steadily advanced, and until the year 1850 Congress never failed, except in a single instance, to provide the necessary means for prosecuting them. In the last-mentioned year, no appropriations for fortifications were made, but the House of Representatives adopted a resolution directing the Secretary of War to submit, at their next session, a report on this subject. That report was submitted, but no action was taken on it, and no appropriation was made.

It is believed that this omission was caused by an opinion which seems to prevail that the system adopted by the Board of 1816, if not originally too extensive, has become so in consequence of events that have since occurred, and ought to be revised and restricted.

In that opinion I concur; and in the report above-mentioned I expressed the opinion that many of the works embraced in the original plan might and ought to be dispensed with.

The subject is undoubtedly worthy of all the consideration that Congress can bestow upon it; and it is to be hoped that they will, at an early period, adopt some mode of revising the plan, and making any changes in it which the present circumstances of the country may seem to them to require.

In the mean time, however, there are a number of works which have been commenced, and are in various stages of advancement, but the prosecution of which is suspended for the want of the necessary appropriations. Most of these works are highly important, being intended for the protection of our principal sea-ports and naval stations, viz: Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Pensacola, Mobile, and New Orleans, or other points of scarcely less importance.

Whatever difference of opinion may exist as to the extent to which the system of fortifications should be carried, all must admit that no expense should be spared to render points like those abovementioned absolutely impregnable by any force that may reasonably be expected to be brought against them.

I hereto append a statement of these unfinished works, showing the amounts required to complete them respectively, and the sums that could be advantageously expended on each of them during the next fiscal year, and earnestly recommend that

Congress be urged to make the necessary appropriations with a view to the completion, if not of all, at least of the most important among them at as early a period as practicable. If this be not done, the large sums already expended on them will in many cases be lost.

Among the works recommended by the Board which have not yet been commenced, there are several which appear to me of obvious necessity. I refer particularly to those designed for the protection of New Bedford and of San Francisco, both of which are now entirely defenseless.

It is also the opinion of the engineers that a work at Sandy Hook, for the protection of the outer harbor of New York, is necessary to complete the defenses of that city.

Congress also omitted the last two sessions to make the usual appropriations for the purchase of the heavy ordnance used in coast defense. As this description of ordnance is generally intended for fortifications, it has been the practice to estimate for it under the head of "Armament of Fortifications." It is hardly necessary to observe, however, that it is an indispensable part of any system of defense that may be adopted, and that the fewer the fortifications the greater the quantity that will be required.

On this subject I beg leave to subjoin a few remarks contained in the report on fortifications above referred to:

"Whatever policy may be adopted with reference to fortifications, it will still be necessary to provide a much larger supply of ordnance than we now have on hand. By reference to the report from the head of the Ordnance Bureau, hereto annexed, (marked C,) it will be seen that the whole number of guns, of all calibers, now on hand, whether in the forts or in the arsenals, amounts only to 3,535; and that of gun-carriages is still smaller. The entire number of guns that can be mounted in the forts already completed (Classes A and B) amounts to 4,572 guns; and if the works now in progress of construction should be completed, the total number of guns that would then be required for all the forts would be 6,093. It appears, therefore, that the supply of ordnance now on hand is very inadequate, even to the present wants of the service. I will observe, too, that even if Congress should determine to restrict the system of fortifications, this would not obviate the necessity for a large increase in the supply of heavy ordnance. Some means of defense must be employed, and cannon is an indispensable part of any system that may be adopted.

"It appears, too, from the reports hereto appended, that the great naval Powers of Europe have, within a few years past, greatly increased the caliber of the guns mounted on their vessels-of-war. This renders it obviously necessary that the power of the batteries intended to resist them should also be proportionably increased. I believe it is the opinion of all officers, both of the Army and Navy, who have devoted much attention to this subject, that many of the guns now in our most important forts ought to be removed, and others of longer range substituted. A glance at the report of the Ordnance Bureau will show how very deficient we are in the heavy descriptions of ordnance, particularly in eight and ten-inch columbiads, the most effective weapons against vessels-of-war.

"To manufacture cannon of good quality is a work that demands considerable time; and as they are imperishable when properly taken care of, there is no good reason why the Government should not at once provide the requisite supply.

"In connection with this subject, I would venture to suggest that provision be made for a distribution of artillery among the militia of the States and Territories. Our people are more deficient in the knowledge of this arm than of any other, and yet it is the one that would be most required in a war with any European Power. If a standing appropriation were made applicable to the distribution of artillery, and of the book on artillery practice among the States and Territories, it would tend very much to promote the knowledge of this essential branch of the military art among the citizens of the country."

One of the most important and responsible duties which have devolved on the Department during the present year is the execution of the works known as the river and harbor improvements.

The number of works for which appropriations were made by the act recently passed is about one hundred, and the sum appropriated about two millions and a quarter. The appropriations, however, will only in a few instances be sufficient to complete the works for which they were made. By far the greater number will require additional, and some of them very large additional, appropriations to complete them. It is to be presumed, that even if Congress should not see fit to continue the system and to provide for other works of a similar character, not included in the present act, they will at least finish the works that have been begun.

I deemed it, therefore, of the utmost importance to make, at the outset, such permanent arrangements for the execution of these works as would, as far as practicable, insure the faithful, judicious, and economical application of the large sums of money that have been and may be appropriated for these works to the important purpose for which they were intended.

Experience has shown that for works of this description, in which large sums are disbursed, and which require for their execution a combination of science and practical skill, it is, as a general rule, safer to rely on officers of the Army (aided when necessary by civil assistants) than on civil agents of whose character and qualifications the Department must often be ignorant. I determined, therefore, to avail myself of all the aid which the Army could afford, and to confide the superintendence of the works to the two corps, of Engineers and Topographical Engineers, both of which are eminently qualified for this duty.

This arrangement not only enabled me to dispense with a number of civil agents whose assistance would otherwise have been necessary, but (a consideration of hardly less importance) to secure the invaluable aid of the distinguished head of the Corps of Engineers.

I at first intended to establish a joint board, composed of the heads and another officer of each of the corps, aided, when circumstances would require it, by an officer of the Navy, to superintend the execution of all the works; but some difficulties having arisen in arranging the details of this plan, I finally determined to divide the works between the two corps, and to establish two boards, one for each corps, composed of its own officers, to aid its head in preparing, supervising, and correcting plans and estimates, &c., the members to act separately as inspectors of the works when in process of construction.

This plan has been carried into effect; and in pursuance of it the works on the Atlantic and the Gulf of Mexico have been assigned to the Corps of Engineers, and those on the northern lakes and western rivers to the Corps of Topographical Engineers.

It is believed that this arrangement will eminently conduce to the speedy and economical execution of the works.

Owing principally to the advanced season when the appropriations were made, little has been done, in regard to many of the works, beyond making the necessary arrangements to commence them as early as practicable in the spring.

For more detailed information on this subject, and on others connected with their duties, I respectfully refer to the reports of the Colonels of Engineers and of the Topographical Engineers appended to this report.

The estimates for such of the works as require additional appropriations will be submitted as soon as they can be prepared.

The expedition which I mentioned in my last annual report, as having been sent, under the command of Brevet Captain Lorenzo Sitgreaves, to explore the Zuni and Colorado rivers, from the source of the former to the Pacific, has completed the exploration and returned, but the report has not yet been submitted.

Early last spring Captain Marcy was sent with a party to explore the head waters of the Red River. He accomplished the object and has returned, but the report of the expedition has not yet been prepared.

It affords me pleasure to repeat my commendations of the good order and discipline which prevail at the Military Academy, and to express my conviction of the benefits which result to the service from that institution.

The reports of the Chief of the Ordnance Bureau and of the Quartermaster's Department will show the operations of these important branches of the service. Several of the suggestions contained in them are deserving of attention.

The first of these two reports exhibits a very satisfactory view of the operations of the national armories at Springfield and Harper's Ferry; and I concur in the opinion that no benefit would be likely to result from a return to the former mode of governing these establishments.

In my last annual report I called your attention to several points in regard to which legislation appeared to me to be necessary. I will simply renew these suggestions, without repeating the reasons on which they were founded. They were—

First: That the Department be authorized to abolish such arsenals as are no longer needed and are a source of useless expense.

Second: That an additional number of commissaries be authorized.

Third: That a retired list of the Army be established, as a measure of justice both to the officers that are disabled and to those that are not.

Fourth: That the distribution of arms among the militia of the States and Territories, under the act of 1808, be made hereafter on the basis of the free white male inhabitants of age to bear arms, as shown by the latest census, instead of the official returns of the militia, which are frequently not furnished, and when furnished, are often inaccurate.

To these recommendations I beg leave to add a few more that further experience has suggested.

By the fifth section of the act of September 28th, 1850, it is made the duty of the Secretary of War to discharge any soldier who, at the time of his enlistment, was under the age of twenty-one years, unless such enlistment had been made with the consent of the parent or guardian of the soldier.

Young men are frequently enlisted who represent themselves to be of age, but whose discharge is afterwards applied for on the ground of minority. The consequence is, that they are frequently discharged after they have been clothed and fed for months, without rendering any service, or after they have been sent, at great expense, to some remote station. There is reason to believe that in some instances parties have enlisted with a view to defraud the Government.

I recommend that any person being above the age of eighteen years who shall practice such an imposition may be compelled to serve out his term of enlistment.

If further appropriations for fortifications and for river and harbor improvements should be made, the number of officers in the corps of Engineers and Topographical Engineers will be insufficient to supply the necessary details for these works and for the coast and lake surveys added to the other duties they are called upon to perform. I recommend, therefore, that in that event the officers of these corps be increased by an annual addition to each for six years of not more than three second lieutenants, to be taken as heretofore from the graduates of the Military Academy.

In consequence of the great number of remote military posts at which troops are stationed, the number of medical officers has been for some years past entirely inadequate to the wants of the service; the consequence of which is, that a number of private physicians are necessarily employed.

I am satisfied that it would be a measure of economy to authorize an increase of the medical corps.

Besides the above recommendations, there are several contained in the report of the General-in-Chief, hereto appended, which appear to me to deserve attention. I will mention particularly his suggestions that the third section of the act of June 17, 1850, entitled "An act to increase the rank and file of the Army, and to encourage enlistments," be repealed; that measures be taken to distribute, for the use of the militia of the States and Territories, the books of tactical instruction used in the regular service; and that the pension laws be so amended as to place the widows and orphans of officers of the Army on an equal footing with those of naval officers.

Respectfully submitted.

C. M. CONRAD, *Secretary of War.*

TO THE PRESIDENT OF THE UNITED STATES.

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *December* 4, 1852.

To the President of the United States:

SIR: I have the honor to submit the annual report of this Department, which will make you acquainted with the present condition of the naval service, and bring to your notice the several subjects which I have thought worthy of your consideration and the attention of Congress. I would beg leave also to say, that the many valuable suggestions for the improvement of the service, made by my predecessors in previous reports, which

yet remain open to the deliberation and disposal of Congress, have, in my opinion, lost nothing of their interest, and that I refer to them now as most appropriate subjects for commendation to the favor of the National Legislature. If I have presented other views on the same topics, or proposed a different method for improving the organization of any branch of the service, I hope these will be received as contributions to the common effort which this Department has ever felt it a duty to make towards the perfection of our naval system; and that they may be weighed in the deliberations of Congress with a full appreciation of what is deservedly due to the experience of those who have heretofore conducted the affairs of this Department.

DISTRIBUTION OF SQUADRONS.

During the year now about to close the vessels of the Navy in commission have been assigned to the various employment deemed necessary for the protection of our commerce, according to the system of distribution heretofore adopted, and found most convenient to the exigencies of the service.

This distribution has been made in a provision for six squadrons, each of which is required to serve on a cruise of three years, with the exception of that allotted to the coast of Africa, where, from a consideration of the peculiar character of the service, it is limited to two years.

The duration of the cruise is subject only to an occasional prolongation, when the public interest may render it necessary. Suitable provision is made in the enlistments for this incident whenever it may occur.

The six squadrons are assigned to the East Indies, the Pacific ocean, the coast of Africa, the coast of Brazil, the Mediterranean, and the coast of the United States. In addition to these, a steamship is appropriated to the lakes upon our northern border, and a few vessels are kept for detached service.

The East India squadron has continued during the past year under the command of Commodore John H. Aulick, and has consisted of the steam frigate Susquehanna, being the flag-ship of the squadron, the sloops-of-war Portsmouth, Commander Kelly; Saratoga, Commander Walker; and Marion, Commander Glendy. This vessel (the Marion) has recently returned to the United States, and is now assigned to the African squadron, and, being ready for sea, will very soon proceed to her destination.

The squadron has been lately reorganized and placed under the command of Commodore M. C. Perry, and Commodore Aulick only waits the arrival in the East Indies of an officer to command the Susquehanna, to return to the United States, which he will do in advance of his ship. Commodore Perry's command will consist of the line-of-battle ship Vermont, which is now in a course of rapid preparation for service, and it is expected will be ready to sail about the first of March. The Commodore himself has just sailed from the port of Norfolk in his flag-ship, the steam-frigate Mississippi. He will be followed in a few days by the steam-frigate Powhattan, Captain McCluney, which vessel has been recently added to the squadron in place of the steamer Princeton, originally detailed for it, but which, from some imperfection discovered in her machinery, after she had undergone a thorough repair, has been compelled to remain in port. This imperfection, I have reason to hope, will prove to be less serious than was at first apprehended, and that she may soon be in condition for service, when she will be assigned to other employment.

In addition to these two ships, the corvette Macedonian, Captain Abbot; the sloop-of-war Vandalia, Commander Pope; and the steamer Alleghany, Commander Sands, constitute the remaining force assigned to Commodore Perry. The first two of these, the Macedonian and the Vandalia, are now nearly ready for sea, and may be expected to take their departure during the month of December. The Alleghany is waiting only for the completion of her engine, and will be dispatched as soon as it is finished.

The store-ships Supply, Lieutenant Sinclair, and Southampton, Lieutenant Boyle, are also attached to the squadron, and are already on their way to their appointed stations.

The Pacific squadron, under the command of Commodore Charles S. McCauley, has been composed of the frigate Raritan, commanded by Commander McKean, as flag-ship of the squadron; the frigate St. Lawrence, Captain Dulany; the sloops-of-war St. Mary's, Commander Magruder; Portsmouth, Captain Dornin; Falmouth, Commander Petigru; Vandalia, Commander Gardner; and Vincennes, Commander Hudson. The Falmouth, Vandalia, and Vincennes, and the two store-ships Lexington and Southampton, also attached to the squadron, have returned home within the last two or three months. The Raritan, with Commodore McCauley on board, is now also on her homeward voyage, and may be looked for in the course of the month of January.

This squadron has been actively employed in cruising near the Sandwich Islands, from the Straits of Fuca and Puget's Sound, in Oregon, to Panama, on the North American coast, and along the whole line of South America on the Pacific. It has also visited the Gallipagos Islands and the adjacent seas, whilst one or more of its vessels have been kept in constant intercourse with every port familiar to our commerce, from California to Valparaiso.

In the new arrrangement of this squadron it will be put under the command of Captain Dulany; and the razee Independence, the sloops-of-war Falmouth and St. Mary's, will be dispatched with no more delay than may be necessary for their equipment. The store-ship Fredonia, having performed her service in this squadron, has lately been sent on a voyage to California as a transport of troops, and will, when released from that duty, be established at Valparaiso in charge of the public stores at that port.

The African squadron is under the command of Commodore Lavalette, whose flag-ship is the sloop-of-war Germantown, Commander Nicholas. Besides this vessel, it is composed of the sloops-of-war John Adams, Commander Barron, and Dale, Commander Lardner, and the brigs Bainbridge, Lieutenant Manning, and Perry, Lieutenant Page.

Commodore Lavalette, having nearly completed the period of his cruise, will return to the United States in the Germantown as soon as he can be relieved by Commodore Mayo, who will sail in the month of December in the frigate Constitution, with Commander Rudd in command. The Dale will be replaced by the Marion, Commander Howard, which is now ready to sail.

The steamer Vixen will be added to this command for such rapid communication with the coast and the trading points on the rivers as the duties assigned to the squadron constantly require.

The service on this station is arduous, and attended with many incidents to render it far from being acceptable to those employed upon it. Constant vigilance and frequent intercourse with a barbarous people on the coast are the least of its discomforts. To these are added exposure to disease and the irksome seclusion of a long voyage, which finds but small relief in visits to a shore without attraction and always dangerous to the stranger. The health of our ships on that station, I am happy to report, has in general been well guarded by the useful sanitary discipline which the experience of the service has of late years been able to suggest and enforce, and we have now no longer to complain of such ravage by the maladies of the climate as overtook those who were in times past consigned to this service.

The time has come, perhaps, when it may be properly commended to the notice of Congress to inquire into the necessity of further continuing the regular employment of a squadron on this coast. The slave trade may be said to be now driven into a comparatively narrow space on the southern portion of the coast, and confined to North and South Guinea. Whilst the measures recently adopted in Brazil encourage the hope that this infamous traffic will soon be abandoned altogether, a few small vessels added to the Brazilian squadron, and directed to cruise in the track of the slave ships, may be found effectual to suppress the last efforts of that forbidden commerce, against which the abhorrence of all Christian nations is awakened.

The squadron on the coast of Brazil is commanded by Commodore McKeever, and is composed only of his flag-ship, the frigate Congress, Commander Pearson, and the sloop-of-war Jamestown, Captain Downing, with the store-ship Relief, Lieutenant Hitchcock. It has rendered useful service to the public interests in that quarter, and been found adequate to all the demands of our varied and extensive commercial intercourse there.

Commodore McKeever will return in the spring with his ship, and his place will be supplied by Captain Salter, who has received preparatory orders to the frigate Savannah, to be commanded by Commander Mercer.

Commodore Silas H. Stringham has command of the Mediterranean squadron in the frigate Cumberland, Commander Turner. His force consists of the steamer San Jacinto, Captain Crabb, and the sloops-of-war St. Louis, Commander Ingraham, and Levant, Commander Goldsborough. This squadron will probably be reinforced hereafter by the steamer Princeton or the Saranac, if either of these vessels may be spared from the service at home, and the San Jacinto, which is now undergoing repairs at Trieste, in that event may be ordered back to the United States.

This squadron has been conspicuously engaged in various service connected with our important commercial and political relations to the countries bordering on the Mediterranean, and has performed its duties with a commendable zeal and the best results. We have been able, through the exertions of Commodore Stringham, to obtain a permanent arrangement for the accommodation of our ships at Spezzia by the good will of the King of Sardinia, and all that the public interest and convenience require in a safe and commodious naval depôt we may now regard as secured.

The squadron on the coast of the United States, or the Home squadron, under the command of Commodore J. T. Newton, consists at this time of the frigate Columbia, the flag-ship of the commodore, and commanded by Commander Pendergrast, the steamer Saranac, Captain Long, the sloops-of-war Albany, Commander Gerry, and Cyane, Commander Hollins, and the steamer Fulton, Commander Jackson. The steam-frigate Powhattan, Captain Mervine, was a short time ago attached to this squadron, and immediately dispatched, with the Commodore on board, on special service, to the ports of Havana and Vera Cruz. Upon his return from this voyage it was found necessary, in consequence of the disability of the Princeton, to change her station, and place her in the East India squadron.

The steamer Saranac, detailed for duty in the Home squadron, sailed on the 4th of October last for Rio de Janeiro, under the command of Captain Long, giving conveyance to the late Brazilian Chargé d'Affaires, the Chevalier de Sodre, to the seat of his own Government. Captain Long will be back, it is supposed, in a few weeks to reassume his position in the squadron from which he was detached, or for such other service as may await him.

The Cyane has been recently ordered to cruise in the neighborhood of the Island of Cuba, and to visit the port of Havana. The Albany is ordered to the same quarter, and will, for the present, remain at Pensacola.

The steamer Mississippi, having been in condition for her cruise to the East Indies, some time in advance of the rest of the squadron, was employed in the month of August last on a visit to the coast of the British Provinces upon our northern border, in a service connected with the question of the Fisheries. She returned early in the month of September to resume her allotted station, and to await the period of the departure upon the long voyage in which she is now engaged.

EXPLORATIONS AND SURVEYS.

During the past year the attention of this Department, in conjunction with the Department of State, has been directed to the employment of the East India squadron in an enterprise of great moment to the commercial interests of the country—the endeavor to establish relations of amity and commerce with the Empire of Japan.

The long interdict which has denied to strangers access to the ports or territory of that country, and the singularly inhospitable laws which its Government has adopted to secure this exclusion, having been productive, of late years, of gross oppression and cruelty to citizens of the United States, it has been thought expedient to

take some effective measure to promote a better understanding with this populous and semi-barbarous empire; to make the effort not only to obtain from them the observance of the rights of humanity to such of our people as may be driven by necessity upon their coasts, but also to promote the higher and more valuable end of persuading them to abandon their unprofitable policy of seclusion, and gradually to take a place in that general association of commerce in which their resources and industry would equally enable them to confer benefits upon others and the fruits of a higher civilization upon themselves.

The extension of the domain of the United States to the shores of the Pacific, the rapid settlement of California and Oregon, the opening of the highway across the Isthmus of Central America, the great addition to our navigation employed in trade with Asiatic nations, and the increased activity of our whaling ships in the vicinity of the northern coasts of Japan, are now pressing upon the consideration of this Government the absolute necessity of reviewing our relations to those Eastern communities which lie contiguous to the path of our trade. The enforcement of a more liberal system of intercourse upon China has met the approval of the civilized world, and its benefits are seen and felt, not less remarkably in the progress of that ancient empire itself, than in the activity which it has already imparted to the pursuit of Eastern commerce. China is awaking from the lethargy of a thousand years to the perception of the spirit of the present era, and is even now furnishing her quota to the adventure which distinguishes and stimulates the settlement of our Western coast.

These events have forced upon the people of America and Europe the consideration of the question, how far it is consistent with the rights of the civilized world to defer to those inconvenient and unsocial customs by which a nation capable of contributing to the relief of the wants of humanity shall be permitted to renounce that duty; whether any nation may claim to be exempt from the admitted Christian obligation of hospitality to those strangers whom the vocations of commerce or the lawful pursuits of industry may have incidentally brought in need of its assistance; and the still stronger case, whether the enlightened world will tolerate the infliction of punishment or contumelious treatment upon the unfortunate voyager whom the casualties of the sea may have compelled to an unwilling infraction of a barbarous law.

These are questions which are every day becoming more significant. That oriental sentiment which, hardened by the usage and habit of centuries, has dictated the inveterate policy of national isolation in Japan, it is very apparent, will not long continue to claim the sanctity of a national right to the detriment of the cause of universal commerce and civilization, at this time so signally active in enlarging the boundaries of human knowledge and the diffusion of comfort over the earth. The day has come when Europe and America have found an urgent inducement to demand of Asia and Africa the rights of hospitality, of aid and comfort, shelter and succor, to the men who pursue the great highroads of trade and exploration over the globe. Christendom is constrained, by the pressure of an increasing necessity, to publish its wants and declare its rights to the heathen, and in making its power felt will bring innumerable blessings to every race which shall acknowledge its mastery.

The Government of the United States has happily placed itself in the front of this movement, and it may be regarded as one of the most encouraging guarantees of its success, that the expedition which has just left our shores takes with it the earnest good wishes, not only of our own country, but of the most enlightened communities of Europe. The opening of Japan has become a necessity which is recognized in the commercial adventure of all Christian nations, and is deeply felt by every owner of an American whaleship and every voyager between California and China.

This important duty has been consigned to the commanding officer of the East India squadron, a gentleman in every respect worthy of the trust reposed in him, and who contributes to its administration the highest energy and ability, improved by long and various services in his profession. Looking to the magnitude of the undertaking, and the great expectations which have been raised both in this country and in Europe in reference to its results, the casualties to which it may be exposed, and the necessity to guard it, by every precaution within the power of the Government, against the possibility of a failure, I have thought it proper, with your approbation, to increase the force destined to this employment, and to put at the disposal of Commodore Perry a squadron of unusual strength and capability. I have, therefore, recently added to the number of vessels appropriated to the command, the line-of-battle-ship Vermont, the corvette Macedonian, and the steamer Alleghany. These ships, together with the sloop-of-war Vandalia, originally intended to be assigned to the squadron, and with the ships now on that station, the steamer Susquehanna, and the sloops-of-war Saratoga and Plymouth—a portion of which are now near to the term of their cruise—will constitute a command adapted, we may suppose, to any emergency which the delicate nature of the trust committed to the Commodore may present. It is probable that the exhibition of the whole force which will be under the command of Commodore Perry during the first year will produce such an impression upon a government and people who are accustomed to measure their respect by the array of power which accompanies the demand of it, as may enable him to dispense with the vessels whose term of service is drawing near to a close, and that they may be returned to the United States without any material prolongation of their cruise.

A liberal allowance has been made to the squadron for all the contingencies which the peculiar nature of the enterprise may create. The commanding officer is furnished with ample means of defense and protection on land as well as sea; with the means, also, of procuring dispatch vessels, when necessary, transports for provision and fuel, and for such other employment as may be required. Special depôts of coal have been established at various points, and abundant supplies provided. He has, in addition to the instructions usually given to the squadron on this station, been directed to avail himself of such opportunities as may fall in his way to make as accurate surveys as his means may allow of the coasts and seas he may visit, and to preserve the results for future publication for the benefit of commerce.

Somewhat allied in character and importance to these projected operations of the Japan squadron, is the expedition now prepared for the exploration and survey of the China Seas, the Northern Pacific, and Behring's Straits. The naval appropriation bill of the last session of Congress put at the disposal of this Department one hundred and twenty-five thousand dollars, "for the building or purchase of suitable vessels, and for prosecuting a survey and reconnoissance, for naval and commercial purposes, of such parts of Behring's Straits, of the North Pacific ocean, and the China Seas, as are frequented by American whaleships and by trading vessels in their routes between the United States and China."

Very earnestly concurring with Congress in the importance of this exploration and survey, I have lost no time in the arrangement and preparation of what I hope will prove itself to be a most effective and useful expedition. As the act of Congress has confided to the discretion of this Department the selection of the vessels which may be found necessary for the prosecution of this enterprise, the equipment and distribution of the force it may require, and the organization of every matter of detail connected with it, limited only by the amount of the appropriation, I have thought I should best accomplish the object proposed, and gratify the expectation of the country, by giving to the expedition the benefit of such naval resources as the Department could command, rather than confine it to such limited supply as would have resulted from either building or purchasing vessels, and providing for the other details of this service out of the fund intrusted to the Department. With this fund so applied the Department would have been constrained to organize the expedition upon a scale which I conceive to be altogether inadequate to the nature of the labor required, and which, indeed, would have been almost certain to end in the failure to accomplish such results as Congress had contemplated. Looking to the amount which it would have been necessary to reserve in order to provide for the special contingencies of such an expedition, it would have been impracticable to procure, by the application of the remaining portion of the appropriation, more than one steamer, of an inferior class, and perhaps two small brigs, to constitute the force to be used in the undertaking. It is doubtful if even this equipment could have been obtained by such an appropriation of the fund. The absolute necessity of altering, strengthening, and arranging any vessel which might be purchased, so as to adapt it to the character of the service required, and give reasonable assurance of safety and success, would have drawn so largely upon the appropriation as to reduce the outfit to a limit quite incompatible with the object expected to be attained.

This cruise of exploration and survey, destined to equal employment in the tropics and the arctic regions, and required to traverse the broad expanse of the Pacific amongst dangerous and unknown shoals, and in search of islands and rocks misplaced upon our charts, and therefore the more perilous to the navigator, will find enough, and more than enough, of labor to occupy it during the next three years. Its toilsome duties, exacting ceaseless vigilance and all the skill of seamanship, will be inevitably enhanced by the disease incident to varying climates and exposure to the peculiar casualties of boat navigation and contests with the savage islanders of the seas it is destined to explore. I have therefore deemed it indispensable that at least one large vessel should be always at hand to afford a change of quarters to those who may be disabled, and to supply reliefs of fresh men to take the place of those who may be broken down by sickness or accident. It is impossible to maintain the health of the crews of the small vessels in so long a service without the comforts which such a change may afford. These surveys also require an extra supply of men beyond the usual complement destined to our cruising ships, there being constant occasion for detachments in boats to conduct the operation of measuring and determining the position and bearings of the shoals and islands which it is the purpose of the enterprise to ascertain.

In consideration of all these conditions, and many others of a kindred nature, I have determined to give to this little squadron every facility which the resources at my command have enabled me to supply. I have accordingly put the Vincennes, one of our stanchest and best sloops-of-war, in the lead of the expedition. I have added to this the propeller John Hancock, which, being found to have an engine of the strongest construction, needed only some alterations in her size and frame, and the addition of new boilers, to make her in every respect a most efficient contribution to the force required. She has, with this view, been placed in the hands of the naval constructor, who is now assiduously at work, and I am happy to report with all desirable success, in fitting her out with every accommodation which her future operations may demand. Besides these two vessels, the brig Porpoise has been detailed for the expedition, and put in condition for all the exigencies of her employment. A small pilot-boat, adapted to speedy navigation and shallow waters, will be added to the squadron. These vessels, fully manned and equipped, and furnished with all the necessaries appropriate to the hazardous nature of their cruise, constitute the material elements of the expedition.

To promote the scientific objects contemplated by the reconnoissance, I have supplied the squadron with an astronomer and hydrographer of known ability and accomplishment, and also with a naturalist and botanist, who are charged with the duty of collecting and preserving specimens of such natural productions as may be interesting to science and commerce.

The squadron is placed under the command of an officer already distinguished by his participation in a former exploring expedition, and well known for the valuable contributions he has made to the hydrographical survey of our western coasts —Commander Ringgold—whose professional accomplishment and devotion to the service eminently qualify him for the duty committed to him.

He will be able, I hope, to take his departure in a few weeks, and will sail directly to the Pacific, doubling Cape Horn and proceeding by the Sandwich Islands to Behring's Straits, where he may be expected to arrive at the opening of the season for operations in that quarter. It is designed to employ the expedition during each year in the reconnoissance of these high latitudes from June until October, this being the only season in which the surveys may be prosecuted in those regions. The remaining portions of each year will be devoted to the prosecution of survey and exploration in the lower latitudes, along the coast of Japan, the China seas, and the routes of navigation between our ports on the Pacific and the East Indies. Particular attention will be given to the survey of the seas and coasts through and along which our whaling ships pursue their perilous trade, looking carefully to the coast of Japan, the Kurile Islands, the sea of Okhotsk, and the unexplored shores of Northern Asia.

The commander of the expedition is made fully aware of the necessity and value of an accurate survey of the various lines of navigation between California and China, and will bestow upon this undertaking an attention commensurate with its importance. He is directed to make frequent reports of his work, in order that no time may be lost in communicating to the country the results, together with descriptive charts, of his survey, for the benefit of commerce and navigation. These will be duly published as often as they are received by the Department.

Being persuaded that this Department cannot better contribute to the fulfillment of the high expectations which the country has ever entertained as to the value of the Navy, nor perform a more acceptable duty to the Navy itself, than by imparting to this arm of the national power the highest spirit of enterprise, as well as the greatest efficiency of action, I have sought every opportunity to put in requisition for useful service the various talent, skill, and ambition of honorable adventure, which equally distinguish and embellish the professional character of the officers under the control of the Department. Constant employment of ships and men in the promotion of valuable public interests, whether in the defense of the honor of our flag, or in the exploration of the field of discovery and the opening of new channels of trade, or in the enlarging of the boundaries of science, I am convinced will be recognized both by the Government and the people as the true and proper vocation of the Navy, and as the means best calculated to nurse and strengthen that prompt and gallant devotion to duty which is so essential to the character of accomplished officers, and so indispensable to the effectiveness of the naval organization.

Acting in conformity with this opinion, I have availed myself of events that favored the object to set on foot two other expeditions, which may be classed with those which I have just presented to your notice, and from which I have every reason to hope much good is to be derived hereafter. My attention has been invited by the Colonization Society of Pennsylvania to the necessity of prosecuting some researches into the character of the Continent of Africa, and especially that portion of it lying eastward of the settlements of Liberia. It is supposed that an exploration of this region would lead to the discovery of a broad tract of fertile and healthy country, well adapted to the extension of that system of colonization which for some years past has greatly interested the public attention, and more recently attracted the favorable consideration of Congress.

The proposition submitted to my view by the society, and referred to your approval, I regard as one which may be rendered productive of great public advantage, and in regard to which you might confidently bespeak and anticipate the approbation of the country. I have, therefore, not hesitated, with your concurrence, to give it the aid which it was in the power of the Department to bestow. As I could not, however, without some special appropriation to the object, organize a full and effective expedition for the prosecution of this enterprise, I have thought that, by the employment of such means as have been provided for the ordinary exigencies of the service, I might profitably prepare the way for such an expedition as Congress might hereafter think fit to authorize. I have accordingly directed a preliminary investigation to be made by an officer of the navy, whom I have attached to the African squadron, with orders to devote the months of the coming winter to an examination of necessary conditions which this undertaking may require.

In Commander Lynch, to whom the country is already indebted for important service in another field, I have found a prompt and ardent volunteer for this employment. He is now on his way to the African coast. He will land at Liberia, Cape Palmas, and other points, and will pursue his inquiries as far as the river Gaboon, with a view to the ascertainment of such localities on the margin of the African continent as may present the greatest facilities, whether by the river courses or by inland routes, for penetrating, with least hazard, to the interior. He will collect information touching the geographical character of the country, its means of affording the necessary supplies of men and provisions, the temper of the inhabitants, whether hostile or friendly, the proper precautions to be observed to secure the health of the party employed, and all other items of knowledge upon which it may be proper hereafter to prepare and combine the forces essential to the success of a complete and useful exploration of the interior. In the performance of this duty, under the most favorable circumstances, he will encounter the perils of a climate famed for its unwholesome influence upon the white man, and may hardly hope to escape the exhibition of hostility from the natives. The spirit which has prompted him to court this perilous adventure, so honorable to his courage and philanthropy, I trust will enable him to brave every hazard with success, to overcome every obstacle in his progress, and to reserve himself for the accomplishment of the great object to which these preparations are directed. In the mean time, I most earnestly commend the subject of the exploration to the early and favorable attention of Congress, with the expression of my own conviction that there is no enterprise of the present day that deserves a higher degree of favor, or that will more honorably signalize the enlightened policy of this Government in the estimation of the present or of future generations. It will require a liberal appropriation of money, and an enlarged discretion to be confided to the Navy Department for the organization and arrangement of a plan of operations which must embrace the employment of a number of men, the supply of boats, armaments and tools, and the enlistment of such scientific aid as a long and laborious inland exploration, beset with many dangers and difficulties, will suggest.

With a view to the preparatory operations of Commander Lynch, and also in consideration of the need which the African squadron has at all times for such an auxiliary, I have directed the small steamer Vixen to be prepared without delay and sent to that coast, to constitute a part of the force under the command of Commodore Mayo, who is about to take charge of the squadron. He will be instructed to furnish Commander Lynch with every facility which his position may allow. A small sum of money has also been placed at the disposal of Commander Lynch for the contingencies of his present service.

The second expedition to which I have referred has grown out of the recent decree of the Provisional Director of the Argentine Confederation, which has very lately reached this country, and which now throws open to navigation that long-sealed and excluded country lying upon the tributaries of the river La Plata. The Uraguay and the Parana are at last opened by this decree to the access of all nations who may choose to seek the new associations which they offer to the spirit of adventure. A vast territory of boundless resource, proverbial for its treasures of vegetable and mineral wealth, extending, like the Mississippi, from south to north, and reaching through twenty-four parallels of latitude, with every climate between the temperate and torrid zones, and with every variety of product which may be gathered from the alluvial plains of the ocean border to the heights of the Andes—this is the field into which the liberal decree of President Urguiza has invited the enterprise of our country, as well as of other nations, who will be equally prompt to pursue it. We have waited with anxiety for the occasion to add this new resource to the industry of our people; and I am sure it will gratify the commercial pride and please the emulous ambition of the nation, not less than it will secure great and permanent advantages to its trade, to have the American flag and a national vessel the first to receive the greetings of the population who, at the foot of the Andes, and along the navigable waters of inland Brazil, Bolivia, and Paraguay, are ready to welcome the first messenger of commerce and throw their treasures into his hand.

Anticipating the near approach of this opportunity, with your approval I admonished Lieutenant Page, before it arrived, to hold himself in readiness for an exploration of these rivers, and directed the steamer Water Witch to be put in condition for the service. She is now nearly equipped, and Lieutenant Page will be ready to take his departure at the first moment that the steamer may be fit to receive him. He is provided with an able crew, well adapted to the nature of his expedition, and seconded by officers chosen for their efficiency both in the sphere of seamanship and scientific labor. A few boats are provided, adapted to the navigation of the upper streams above their falls; and the equipment, though of simple and unexpensive kind, will be, in all respects, such as may enable Lieutenant Page to accomplish the duty assigned to him.

These four expeditions, each of them of a highly interesting character, and likely to be productive of results which will be beneficially felt and acknowledged long after the men who may procure them shall have passed away, constitute, in great part, the chief and most important topics which have engrossed the care of the Navy Department during the past year.

It gives me pleasure to report, in connection with these, the return of Lieutenant Herndon, to whom was consigned, in conjunction with Passed Midshipman (now Lieutenant) Gibbon, an exploration of the valley of the river Amazon and its tributaries. These officers were directed to cross the Cordilleras in Peru and Bolivia, and by a selection of the most judicious routes of travel, with a small company of men, for the employment of whom means were furnished by this Department, to explore the valley of the Amazon, and to descend that river to the sea. More than a year has been spent in the active prosecution of this duty. Lieutenant Herndon reached the United States in July last, bringing with him a large amount of interesting and useful facts, industriously collected by him in the course of his long and hazardous journey, embracing many valuable statistics of the country, and adding most important contributions to the hitherto unknown geographical character of the country. He is now engaged in preparing a full report of the incidents and discoveries of his travel, which will be communicated to you as soon as it is placed in possession of this Department. I beg to commend Lieutenant Herndon to your special approbation and thanks for the intelligence and ability, and yet more for the high professional zeal he has exhibited in the performance of his difficult and honorable duty.

Lieutenant Gibbon, having taken a different route from that of Lieutenant Herndon, has not yet arrived, but may be expected in the course of the winter. When he returns to this city, the result of his work will be submitted to your notice.

The brig Dolphin, which was employed during the last year, under the command of Lieutenant Lee, in a survey of portions of the Atlantic, for the purpose of ascertaining the position of some dangerous rocks and shoals which were known to exist in the routes of navigation between the United States and Europe, has performed useful service, of which the results will be communicated to Congress. This work being yet incomplete, the Dolphin has again been dispatched on a second cruise of the same character, under the command of Lieutenant Berryman, and may be expected to accomplish a work which will tend, in no small degree, to lessen the hazards which have heretofore embarrassed the voyages of our merchant marine.

Lady Franklin, whose devotion to the cause of her unfortunate husband has excited so large a sympathy in the United States, has been encouraged to make another effort to determine the fate of

the gallant navigator of the Arctic sea, and is now intent upon the organization of a new expedition under the auspices of our countryman, Mr. Henry Grinnell, and Mr. George Peabody, of London. Their endeavor will be directed to an exploration of the upper coasts of Greenland, by land as well as sea, and will furnish occasion for valuable scientific observation tending to the ascertainment of the magnetic poles and the intensity and dip of the needle, and interesting also to geological questions connected with the supposed existence of an open polar sea, and other subjects of much importance in the natural history of our globe. Apart, therefore, from its main object, there is much in the projected expedition to excite a high degree of interest in its results, both in Europe and America.

The distinguished lady whose sorrows have inspired this zeal of adventure, and whose energy has given it an intelligent and hopeful direction, has done no more than justice to a meritorious young officer of our Navy, Passed Assistant Surgeon Kane, in asking his coöperation in this hazardous exploit. Dr. Kane has already won a high praise from his countrymen by his intrepid perseverance in facing the extraordinary dangers of the last expedition on the same errand to the Arctic sea, and still more by the diligence which, guided by scientific accomplishment, has enabled him to contribute a valuable fund towards the illustration of a subject that now engrosses an unusual share of learned investigation.

The request of Lady Franklin to enlist Dr. Kane in the new expedition has been communicated to me, and I have not delayed to give him the necessary permission, and to confer upon him all the benefit he may derive from his position in the Navy, by an order which puts him upon special service. If it should become requisite in the field of operations to which he is destined to provide him with means for the prosecution of scientific discovery, beyond those which may be afforded by the Department and the liberality of the distinguished gentlemen who have assumed the charge of this expedition, I would commend it to the enlightened regard of Congress, with the most confident hope that that body will respond to the suggestions of this necessity with a prompt appreciation and generous support of an undertaking so honorable to humanity and so useful to the enlargement of liberal science.

THE NAVAL ACADEMY.

The Naval Academy at Annapolis presents to the regard of Congress an institution worthy of the highest encouragement.

Under a judicious and energetic administration, it has now reached a stage in its progress which may enable the Government to form a satisfactory estimate of its influence in promoting and sustaining the future efficiency of the Navy.

The school has grown up to its present stage in the progressive expansion and improvement of a design which, in its origin, forbade the adoption of a comprehensive and permanent system of naval education. It was at first contrived to supply nothing more than the opportunity of prosecuting a few useful studies to a class of occasional students, who were subject to all the interruptions of details for service at sea, and who were therefore not in a condition to conform to the requirements necessary to a regular course of professional instruction. The obvious insufficiency of this mode of study soon suggested the necessity for a more methodical arrangement. A plan was accordingly devised in 1850, to take effect at the commencement of the next term of October, 1851, by which all the acting midshipmen of the date of that and subsequent years should be inducted into the school in its lowest class, and proceed in due order through a prescribed course of naval education, which is specifically adapted to a term of four years. The series of studies appropriate to each year was defined, the practice of gunnery and seamanship established, and the whole organization, as it now exists, completed. The classes were so contrived also as to receive, according to an appointed succession, the acting midshipmen of dates prior to 1851, who by this provision will, in the space of the next three years, have had the opportunity of graduating in the school.

The admissions of acting midshipmen to the Navy, and consequently to the Academy, have been regulated and limited by several laws, of which the combined import now is to give to each State and Territory its relative proportion of appointments, determined by the ratio of representation in Congress and its relation to the whole number of acting and passed midshipmen allowed to the Navy. To this determination of the quota of appointments appropriated to each State and Territory there has been added an allotment of a fractional share to each Congressional district, and the nomination for each district has been conferred upon the member representing it.

The whole number of midshipmen, including passed midshipmen, allowed to the Navy is four hundred and sixty-four. The number of Representatives and Delegates, according to the last census, is two hundred and thirty-nine. Each Representative, therefore, is entitled by the existing law to the nomination of one candidate and a fraction equal to 225-239.

No provision has been made for the disposition of these fractions, and I have therefore thought myself bound, in the absence of any other regulation, to consult the wishes of at least a majority of the Representatives entitled to the fractional part in receiving a nomination to supply the vacancy.

As the school does not contain more than a fourth of the midshipmen belonging to the Navy, and as the vacancies in the number of students are dependent altogether upon the promotions to the grade of lieutenants and upon the resignations, dismissals, and deaths in each year in the corps of midshipmen, the annual nominations to the school must, when the entire complement of midshipmen is regularly filled, be comparatively but few in number. The present condition of the service supplies but a small ratio of promotions; and if it were not for the operation of the resignations, dismissals, and deaths, it is manifest that the yearly recruits to be added to the school would be so inconsiderable in numbers as to forbid any hope of extensive usefulness; whilst the fluctuating character of these causes which produce the vacancies tends to a result scarcely less injurious.

It is, indeed, the most obvious defect in the present organization of the Academy that its supply of students is liable to these contingencies; for while the classes are advancing by regular steps, through the course of four years' study, to the term at which they must leave the school and enter into the field of active service, the vacancies which they create are dependent upon such a limited fund of supply as must ultimately reduce the number of pupils below the quota which is essential to the administration of the system.

That this defect has not already been visible in the career of the Academy is to be ascribed only to the fact, that up to the present time the members of the institution have been recruited from the grade of midshipmen who have been employed at sea previous to the new arrangements, adopted and commenced with the class of 1851. The classes heretofore have been furnished out of this corps, in addition to the annual nominations. When this resource is exhausted and the school is dependent on the yearly nominations alone, the defect to which I have referred will be fully seen and felt. It will then be manifest that the whole number at the school cannot exceed, at any time, the number of promotions added to the occasional vacancies occurring in the corps of midshipmen and passed midshipmen in four years.

It is to remedy this defect, and to give the school an inherent power necessary to its own perpetuation, and to make it what I am sure the country desires to see it, a vigorous and healthful institution, completely adapted to the useful ends for which it was ordained, that I propose, with your approbation, to submit to Congress the following change in its fundamental structure.

The Academy should be composed exclusively of cadets, or young men who are received as candidates for admission to the Navy. Its design should be that of a preparatory school to qualify these candidates for appointments, and they should only be in condition to be selected for midshipmen when they had successfully passed through this probation.

If this principle be adopted as the ground-work of the plan, then the whole number of cadets to be nominated for the school may be established by law. For the present, I suggest that this number may be fixed at two hundred and forty-eight. It may be altered as future experience may require. Of this number of two hundred and forty-eight who are to be furnished to the Academy every four years, one fourth, or sixty-two, should be nominated for admission at the commencement of each yearly term, to constitute the first or lowest class of the school. Of this whole number of two hundred and forty-eight, two hundred and twenty-eight might be allotted to the nomination of members of Congress, apportioning them to each State according to the ratio of representation and requiring the nomination to the vacancies to be made, not by the representatives singly, but by the united counsel and action of the whole representation of each State, including Senators and Representatives. The remaining twenty of the two hundred and forty-eight may be given with advantage to the President.

By this arrangement Congress would be called on to nominate fifty-seven cadets every year, and the President five.

The classes would thus commence their career with sixty-two members, and this number, or so many of them as are not dropped in the progress of the four years, would represent the annual number of graduates. Provision, of course, should be made for the gradual absorption of all those acting midshipmen who, under the present system, are not yet disposed of. In a few years they must disappear, after which the organization of the cadets would be undisturbed.

In addition to this number of sixty-two nominations to be made in each year, Congress and the President would also have the appointment to such vacancies in the new class as might arise out of the failure of the first candidates to pass the preliminary examinations required at their admission. The vacancies occasioned by subsequent examinations, and by the other causes operating during the progress of the classes through the term of the four years, I propose should not be filled; but the classes, after their commencement, should advance to the end of the term of study, subject to all the incidents of their career which may reduce their numbers. The propriety of this provision will be recognized when it is observed that a vacancy occurring in any class after it has become advanced in its studies could not be supplied, at that advanced stage, by a new appointment to the school. The class would still go on in its reduced state, whilst the supply of a vacancy occurring in it could only operate to the undue increase of the lowest class of beginners, and would thus produce a periodical and inconvenient increase of graduates for whom no allotment could be made in the Navy.

Assuming sixty-two as the number which shall always be supplied to the lowest class or beginners of the school, we have reason to believe, from the data afforded by the experience of West Point, that the annual number of graduates would not exceed some twenty-five or thirty, it being found, in the general operation of the system, that the graduates do not bear a greater average proportion to the admissions than forty per cent. Upon this basis it may be estimated that these twenty-five or thirty may be looked to as the ordinary yearly resource for the supply of young officers to the Navy.

I propose, in the next place, that the law should establish the corps of midshipmen for the service at two hundred and fifty. These should be recognized as midshipmen only, and be subject to all the understood and appropriate duties of that class of officers. They should then be consigned to service on board of ships-of-war, and, after six months' employment at sea, should, upon examination and approval by a competent board, be entitled to the midshipman's warrant, bearing the date of the graduation of the school; and after three years' service at sea and another examination, they should be noted for promotion to a higher grade, which I propose should be created by law and denominated masters. The grade of passed midshipman should be abolished as soon as the gradual promotion of the corps may allow. It is an anomaly in the naval service, presenting a class of officers to whom no duty is specifically assigned, and constantly engendering discontent

when the duties of ordinary midshipmen are required of it. This class now perform the duty of masters, and I think it but proper that the duty and the rank should be associated by law. The change would require no increase of pay, and would, I have no doubt, be productive of good effects.

The grade of masters might be established at one hundred, and might at once be filled by appointing to it that number of passed midshipmen. The ultimate result of this plan would give, when all the present passed midshipmen shall have been absorbed in the regular course of promotion, two hundred and fifty midshipmen and one hundred masters to occupy the space now filled by the corps of four hundred and sixty-four officers—a reduction of one hundred and fourteen. This reduction of course would increase the ratio of promotion to the corps of lieutenants, and would leave a sufficient complement for all the demands of the service, estimated by the present size of the Navy. A future increase of the Navy would suggest a proportionate increase of officers of every grade.

The promotions incident to this organization of the corps—that is to say, of two hundred and fifty midshipmen and one hundred masters—would supply about twenty-five vacancies a year. The present number of higher officers furnish something near this yearly average, and there is no reason to suppose that it will be reduced in future; the more active service of the Navy, even on the present establishment, may rather increase it. The school, therefore, may be regarded as subject to an annual demand for this number of its graduates to be advanced into the regular line of service. Estimating the number of graduates at twenty-five, the whole of them would thus find position and employment; an increase to thirty would of course give a remainder of five, which may also be disposed of.

I propose, in further organization of this system, to construct a scientific corps in the Navy, to be established as the hydrographical crops; this corps to be designed, in its first formation, upon a basis which shall provide for thirty masters, thirty lieutenants, fifteen commanders, and five captains, making eighty in all. It should be specially educated for that scientific professional service in which some portion of the Navy is constantly employed. Its chief duties should be connected with hydrographical surveys, astronomical observations, construction of charts, preparation and improvement of ordnance, the supervision of naval architecture and machinery, and the direction of civil engineering in the construction of docks and other structures requiring scientific knowledge and skill.

The corps should be entirely separate from and independent of the regular naval service. Its line of promotion should be confined to its own organization, and its government should be under its own proper officers. In addition to the duties assigned to it on shore and in hydrographical surveys, some portion of it might be appropriated to service at sea, and one or more officers of the corps might be introduced into the complements of squadrons on foreign or home service. An experienced officer of this corps would find useful and active duty upon every cruise. It should be left to the Navy Department to regulate the character and contingencies of this service, and to make all the necessary rules and orders for its application.

This corps should be built up under the direction of the Secretary of the Navy from the material afforded by the Academy, with such additions to it, in its commencement, from the regular line of naval service, as in his judgment the qualifications of the present officers might enable him to make with advantage.

With a view to the supply of this corps from the Academy, I propose that, upon the yearly examination of the graduates, the Board of Examination shall be directed to bestow a close attention upon the class submitted to them, in order to ascertain the particular adaptation of any of the graduates to this species of service, and that they shall report to the Department the names of such as they may find qualified by study, talent, and acquirement for admission to the corps; and if, upon this report, the students so designated shall consent to enter the corps, they, or so many of them as the established complement of the hydrographical corps may require, shall be appropriated to that service; and, upon being so appropriated, they shall be returned to the Academy for an additional course of study of two years, during which they shall be employed in obtaining a thorough knowledge of the higher branches of civil engineering, hydrography, astronomy, mechanism, and gunnery, in conformity with the best system of instruction which the Academy may be able to furnish. At the end of this probation of two years they shall be subjected to a final examination, and, upon a recommendation to that effect, shall be admitted to the rank of masters in the hydrographical corps. Five years' service in this grade should entitle them to be promoted to lieutenants, as vacancies may happen, and the promotions thenceforward should await the ordinary incidents of the corps which may supply the proper occasion.

If the Department should be able to contribute any members to the corps from the present officers of the service, I think such appointments should not exceed twenty to each grade of masters and lieutenants and ten commanders, and, that no captain be appointed until after five years' service in the corps, there may be found the proper officers to occupy the vacancies in this grade. It should also be well understood that the Secretary of the Navy, in assigning present officers to the corps, should be governed alone in his selection by high qualification and accomplishment in the science required, and not by seniority in the service; and that no appointments should be made, unless there be found officers of approved reputation for their acquirements in reference to this service who may be willing to enter the corps.

The yearly graduates of the Academy will, according to this system, be assigned to the two branches of service I have described; that is to say, to the regular naval service and to the hydrographical corps. The graduates required for these two branches should be selected from those who are adjudged by the board of examination to stand highest on the roll of the class; and if at any time it should happen that the requisitions should not embrace the whole number of graduates in each year, then those whose services are not required, being the lowest on the roll, should receive an honorable discharge from the school. These would return to the occupations of private life well educated by the bounty of the Government, and qualified for useful employment in the many important vocations connected with commerce and navigation, and especially in the various service of steamships which create so large a demand for expert and accomplished officers. In whatever situation they may be placed, they will find abundant occasion to rejoice in the advantages they shall have obtained at the school, and, by the proper use of these advantages, indemnify the country for the care and expense it may have bestowed upon their culture. These conditions and incidents of an admission to the Academy being understood in advance, both by the cadet and his friends, it is presumed, will prepare them to regard the discharge in its true point of view, as the necessary contingency of a most important good conferred, and not as a disappointment which should occasion regret. If, on the other hand, it should turn out that the annual number of graduates should not be adequate to the demands of these two branches of service, the basis of sixty-two in the class of beginners may be increased to the number at which experience may show that the desired result may be obtained. It will be easy, after the experiment of a few years, to ascertain this number with sufficient precision; and, as in the mean time the hydrographic corps is to be filled, the extra supply of the classes for the next three years, by the admission of the midshipmen of dates prior to 1851, will very opportunely enlarge the classes to a number which will satisfy that requisition.

In arranging the complement of officers to the hydrographic corps, I have proceeded upon a conjectural estimate of what I suppose may be found necessary to the service required of it. I submit this to the judgment of Congress for such alterations in the grades and numbers as their investigation of the subject may suggest. I have thought it safest to propose a number rather below what I think the service may ultimately demand, as it is easier to increase this complement than to reduce it. It is proper for me to say, also, that, in assigning five captains to this corps, I may have exceeded the number which may be appropriate to the organization. But as no captain, according to this plan, could be appointed before the lapse of five years, the experience which may be gained in the interval may enable Congress, before that period has gone by, to adjust this grade to its proper number, and assign to it its appropriate duties. It may be hereafter looked to for the supply of the head of the engineer department, the superintendents of naval architecture and construction, the general supervision of hydrographical surveys, and the management of the Naval Academy. If these functions may be efficiently discharged by it, the number I have assigned will not be too large.

These are the general views and considerations which have induced me to submit this plan to your approval and to the consideration of Congress.

It will afford the annual appointment of sixty-two candidates for the Navy.

It will give greater permanency and efficiency to the school.

It will quicken promotion in the Navy, and give to the younger officers hope of useful command whilst they yet possess the vigor and ambition of youth.

It will establish a valuable corps of scientific officers, who will bring to the service equal devotion to the prosperity of the Navy and the highest attainments to promote it.

And it may occasionally give to the country men carefully educated in useful knowledge, and bound by the strongest obligation of gratitude and honor to requite this public bounty by laudable service in the employments of civil life.

I think it proper, in presenting this new organization of the school and of the officers which it is intended to supply, to ask of Congress that the grade of master in the service shall be entitled to a commission and recognized in that character by law. The masters are ward-room officers, and should be placed amongst the commissioned officers of the Navy. No change of pay is necessary, and in that respect they may be left upon their present footing.

It must be observed that some years will elapse if this organization be now authorized by law before it can be rendered complete; and the sooner, therefore, that it is adopted the better.

The present class of passed midshipmen numbers two hundred and sixteen. These are to be disposed of. One hundred of them may be commissioned as masters, and the grade may be at once established at that number by law. The remaining hundred and sixteen would be gradually absorbed by the grade of masters in a few years, after which the system will work according to its permanent regulation.

The present number of acting midshipmen is two hundred and six, of which the school contains, by the last report, eighty-one. Five appointments have been made for the next term, and there are yet thirty-seven vacancies. To the nominations already made for the new class of beginners to the next term of October, 1853, may be added at once, with the thirty-seven vacancies, as many as may be necessary to make sixty-two. The classes should then advance regularly to the end of their respective terms, without additions, and the law may provide for the annual supply henceforth of sixty-two, in the manner I have indicated. The grade of midshipmen might be at once declared to be limited to two hundred and fifty, and the filling of that complement should await the supply it may hereafter obtain from the graduates.

If any of the present grade of passed midshipmen and masters should be found qualified for admission to the hydrographic corps, the vacancies which may be made by their appointment to it may be filled by promotion, and so hasten the period at which the new organization may be brought into full operation.

The school has yet to receive some classes of midshipmen of the date previous to 1851. When admitted, they will constitute an extra portion beyond the quota allowed to the Academy, and I would suggest in regard to them that they should be permitted, as heretofore, to constitute a part of any class for which they may be qualified, and upon their graduation to be entitled to their advance-

ment to the proper grade; it being mainly important to provide at present that each yearly class of new admissions should be constituted of the appointed number of sixty-two, and in no event to exceed that number. The future organization of the school will necessarily follow upon the observance of this provision.

In proper connection with this subject of the Academy, it is my duty to apprise you that I have recently adopted regulations for the government of apprentices to be admitted at the several navy-yards and workshops under the control of this Department. The propriety of these regulations has been suggested by the Bureau of Yards and Docks, and I am indebted to the intelligent labors of three distinguished officers of the department, Commodores Morris, Shubrick, and Smith, to whom I referred the subject for a report, which I have received, and which will be found amongst the documents accompanying this communication. The report presents the regulations which I have approved. The number of apprentices as established, for the present, by this system, is eighty-three. They are required to undergo an examination twice in each year, and, after the first year, those most distinguished in the previous trials are to be subjected to another of a still more extensive and rigorous character, upon which such as shall be reported as worthy of the highest approbation and reward, and as demonstrating talent adapted to eminence in the public service, are to be commended to the Secretary of the Navy for such further advantages of instruction as he may have it in his power to confer.

I regard it as a most salutary power to be invested in the Secretary of the Navy, for the beneficial performance of the duty thus assigned to him, that he should have authority to admit into the Naval Academy those apprentices whose good conduct and capabilities shall have earned this distinction; and to provide that they should there be conducted through a course of study appropriate to their intended future vocations, and calculated to advance them in mathematical and mechanical science, under such regulations in regard to the term of their application, their duties and deportment, as the Navy Department might think it expedient to adopt. Having completed this course of study, they should be returned to the yards from which they may have been received, or allotted to suitable employments in the service.

It would be a useful provision in this scheme to give to the young men so educated a preference in the admissions to the corps of engineers for steamships, for which appointments their education would particularly qualify them; their admission into that corps, nevertheless, to be dependent upon successful examination and a favorable certificate to moral and intellectual character.

In the operation of this scheme the Navy would derive the benefit of the best talents and acquirement for the supply of engineers, naval architects, and constructors and superintendents in the various departments of mechanical employment connected with the service.

I take great pleasure in presenting this subject to your approval and to the attention of Congress.

In view of this reorganization of the Academy, I submit, also, as a question worthy of consideration, whether it would not be a salutary provision to require that the officers of the Marine Corps should be prepared for that service by an education at the school? My own opinion is, that it would be attended by manifest advantage, both as respects the necessary accomplishment for naval service in that corps, and the personal character and deportment of the officers belonging to it. It is amongst the incidents of their employment that they are sometimes required to perform important military duties on shore in which a necessity is found for that species of knowledge only to be gained in the military or naval school; and in every service to which they are called it is quite apparent that this knowledge, and the spirit to appreciate the duties of command that is inseparable from it, must increase the efficiency of the officer and elevate the character of the corps to which he is attached. If these considerations should influence the opinion of Congress as they do my own, they will suggest the expediency of making the provision to which I have invited their attention.

In concluding this notice of the Naval Academy, it is due to Commander Stribling, who has charge of the institution, and to the officers, professors, and assistants under his command, to say that the assiduity and intelligence with which they have performed the laborious and complicated duties assigned to them, merit the highest approbation; and that the prosperous condition of the school, and admirable arrangement of its details, particularly manifested in the deportment and proficiency of the young men confided to their care, eminently entitle it to the favorable opinion and encouragement of the Government.

I particularly commend to the notice of Congress the consideration of the appropriations asked for by the Bureau of Ordnance and Hydrography, for the improvements necessary to purchase the grounds and complete the buildings required by the Academy.

ORGANIZATION AND DISCIPLINE OF SEAMEN.

There is no subject connected with the prosperity of the Navy that, in my estimate, better deserves the attention of Congress than that relating to the condition of the corps of mariners, which constitutes the great working force in the navigation and management of the public vessels.

In obedience to a sentiment which is prevalent throughout the country, and which is naturally suggested by those impulses that distinctively characterize the opinions and habits of our people, Congress has been recently led to the consideration of the ordinary mode of punishment, which it had heretofore been supposed was necessary to the preservation of the discipline of the Navy. The result of this consideration has been the passage of a law for the entire abolition of corporal punishment on board of our ships, both public and private. This punishment—which, for a long time, has been practised in the Navy and commercial marine, not only without question as to its efficacy in maintaining the proper observance of duty on ship-board, but which, indeed, had become so incorporated in the sober conviction of both officers and men, as an indispensable necessity of the service, that it had grown to be the most unquestioned usage and generally received incident of naval discipline—many judicious persons believed might be dispensed with, not only most acceptably to the feelings of the nation, but also without disadvantage to the service. The adoption of this opinion by Congress, in the passage of the act of September, 1850, which forbade the accustomed penalty, without providing a substitute for it, has afforded the Navy the opportunity to make the experiment. I very sincerely regret to say that the records of this Department, as well as the almost entire concurrence of facts and opinions, brought to my notice from authentic sources, and vouched by intelligent and experienced observers, all tend to indicate a most unsatisfactory result. The omission of Congress to provide for the punishment of what may be called minor offenses against discipline and good order on ship-board may, perhaps, account in part for the failure; but the fact of the most serious detriment to the efficiency of our service is so unhappily forced upon my attention, as the effect of the recent change, that it becomes the gravest of my duties at this time to lay the subject once more before Congress, and to ask its attention to the consideration of such a corrective to the present condition of the service as I am confident it must find to be indispensable to the proper government of the Navy. We have evidence furnished to this Department, in the history of almost every cruise, of acts of insubordination that not only impair the usefulness of our ships, but which tend also to the gradual development of habits amongst the seamen that threaten to lead to extensive and uncontrollable mutinies. The multiplication of courts-martial, and all the consequences of an increase of disorder and crime, are amongst the least of the apparent and growing evils of the new system. The demoralization of both men and officers is a yet more observable consequence. The absence or prohibition of the usual punishments known to seamen has led to the invention of new penalties of the most revolting kind, in the application of which full scope has been given, and the strongest provocations administered, to that exhibition of temper and passion which, however natural it may be to men of hasty and excitable natures, is seldom indulged without leading to cruelties that must disgrace those who practice them; and, what is more to be feared, raise a sentiment in the public mind hostile to the Navy itself. The seaman, believing himself exempt from the speedy penalty of disobedience or neglect of duty, and looking with indifference to the remote and uncertain proceeding of a court-martial upon his delinquency, grows habitually contumacious to his superiors, and infuses the same sentiment into his comrades; and in the very fact of the diffusion of this spirit of insubordination finds ground to hope for immunity from punishment—naturally enough believing that what has grown to be common and frequent will also come to be more lightly considered when he is summoned to a trial at the end of his cruise. It may excite some surprise in the statement of what I learn to be true, that the most frequent complaints against the abolition of corporal punishment are made, in great part, by the seamen themselves. The difficulties arising out of its abrogation, and the absence of any substitute for it, now constitute the most prominent obstacles to the ready supply of our squadrons with seamen. This Department is familiar with complaints from the recruiting stations of the difficulty of enlisting the better class of seamen. Of that large number of men who have heretofore constituted the pride of our Navy, by their good seamanship and highly respectable personal deportment, comprising, I rejoice to say, the great body of the mariners who have sustained the honor and glory of our flag in its most perilous, as well as in its most useful career—of these men, it is a fact which invites the deepest concern of Congress, we are daily deprived, by their refusal to enter again into the service until, as they ask, they shall have some assurance that a better system of discipline may be restored. They reasonably complain, that whilst the worst portions of the crew are placed under arrest, and are exempt, in consequence, from the severe duties of the deck, they find their toil increased by the constantly-recurring exigencies which compel them, for weeks and months, during a cruise, to perform the extra work which the reduction of the force of the ship inevitably throws upon them. So oppressively is this evil felt, that I have reason to believe, if the best seamen, who have heretofore been accustomed to man our ships, could find an occasion to express their wishes to Congress, a majority of the whole number would be seen to prefer a restoration of that form of punishment which has been forbidden, rather than be subject to the severities imposed upon them by the present condition of disorder in the naval discipline.

Looking at this state of things in the Navy, I think the occasion propitious to the adoption of a new system for the organization and government of the whole material constituting the crews of our ships; and I take advantage of the present time to submit to your consideration the outline of a plan, which I trust will engage your attention, and receive the approbation of Congress.

The supply of our Navy with seamen has heretofore been obtained by a system of enlistment, modeled, in its principal elements, upon the plan adopted in Great Britain, from which nation we have derived, by old habit and national descent, the general features of our marine. Like England, we have looked to our commercial navigation for the reinforcement of the men of the Navy. We enlist the mercantile seamen for the national cruise, discharging and paying them off when it is finished, and returning them to the merchant service. The Navy, in general, has been sufficiently attractive to the sailor to be able to secure his service when needed; and this mode of enlistment being an easy and accessible resource, but little consideration has heretofore been bestowed upon its effect either on the Navy itself or upon the seamen. To the Navy it has given a large and meritorious class of mariners, not unmixed, however, with many of a different character, and from that mixture itself requiring a prompt and effective system of punishment adapted to secure a ready discharge of duty in every emergency. The effect of the system upon the men of the Navy has been overlooked, or, if regarded at all, it has not attracted the attention of the public authorities. The sailor is, in general, upon shore a helpless being. Between himself and all around him there is a palpable incongruity. He has come off a long cruise

and has earned some three or four hundred dollars. He has no home; often no friends but his comrades. He knows no thrift, no saving economy: has no adviser. His only outlook is for some pastime, and his idea of that is confined to sensual enjoyment. Every one is familiar with his history in his brief sojourn on shore. He is a victim to that class of persons who pander to his appetites and who plunder him of his earnings. Necessity and inclination very soon drive him back to the sea, where he finds his natural home and the only friends who can understand his character and sympathize with it. It is very apparent that a man so organized and circumstanced stands very much in need of better culture than this course of life affords. A discreet attention to his condition by the Government, with a few salutary regulations that may teach him more thrift and furnish him guidance and encouragement, will make him more useful as a citizen, or at least more self-dependent and respectable in his individual character, and render him at the same time certainly not less useful in his profession.

I propose, for the consideration of Congress, a plan for the reorganization of this portion of the Navy, which, if matured by such experience as the future practice of it may afford, will, I am confident, enhance the respectability and value of our seamen, and secure to the country a most efficient corps of men permanently devoted to the public service.

I think it cannot be doubted that the successful application of the Navy to the purposes for which it is designed would be better assured by the services of a well-disciplined and carefully-maintained body of seamen permanently attached to the public naval establishment and incorporated with it, than it ever has been, or is ever likely to be by the fluctuating and variable resource of frequent enlistment and discharge. The constant changes which this corps undergoes is unfavorable to the growth of that sentiment, so essential to the service, which makes a sailor proud of his flag. It is still more unfavorable to the acquirement of that peculiar adaptation of habit and training to the duties belonging to the employment of a man-of-war, which all officers regard as the test and indispensable element of an efficient seaman in the Navy. In a large Navy like that of England, where all the seamen of the mercantile marine, in a certain sense, belong to the Government, the difference between the man-of-war's man and the seaman of civil employment is not so apparent or significant as it is in our service, in which the seamen bear so small a proportion to the whole body of mariners of the nation. Every English sailor has generally more or less service in the Navy, and passes so frequently from the private to the public employment as to give him to a great degree an actual incorporation in the national marine: the one service is so connected with the other that the seamen of both assimilate more in their training and education than the correspondent classes in this country. Our Navy, for obvious reasons connected with these considerations, is much more dependent upon a body of men nurtured by the Government and attached to the service than that of England. It is, therefore, a fundamental purpose in the plan which I submit to Congress to provide for the ultimate establishment of a permanent and recognized body of seamen, connected with the Navy by the strongest and most durable bonds of attachment and interest

Whilst providing for the gradual and eventual organization of such a body, my attention has been directed also to the procurement of men of the highest character in personal and professional quality, in whose good deportment and faithful service will be found the most satisfactory reasons for protecting by legal enactment their whole class against the form of punishment which has of late so much excited the sensibility of the nation. The successful accomplishment of such an object, I trust, will commend the plan to the regard of all who desire to preserve that exemption, and who have hoped to find it in practice not incompatible with the highest efficiency of service on shipboard.

The general outline of the plan may be exhibited in the following regulations:

With a view to the commencement of this system, and to organize a body of efficient seamen of the most meritorious class, I propose that every commanding officer of a squadron, or of a single ship when not with a squadron, shall, on his return from a regular cruise, report to the Navy Department, in the muster-roll of the men under his command, a statement of the good or bad general deportment of each man, with a special designation of those whose conduct has merited that degree of approbation which shall entitle them to be admitted into the Navy.

That this report be submitted by the Department to the President, who shall thereupon issue a general order to admit into the Navy the seamen who have been distinguished in the report for good conduct. And the President shall transmit with this order to the commanding officer of the squadron or ship a certificate to each seaman, written on parchment and stamped with the signature of the President himself, expressing his approbation of his conduct and his permission to admit the subject of it into the Navy; which certificates shall be delivered by the commanding officer of the squadron or ship to the men entitled to them before they are discharged from the ship. This delivery to be made in the presence of the crews and with suitable formality to attract public notice.

That each seaman to whom this certificate shall be awarded shall, if he accept it, register his name in a book to be provided for that purpose and kept on board of the ship, by which registry he shall become a registered seaman of the Navy of the United States, and be entitled to all the privileges and be bound to all the obligations of that character. This registry book shall be transmitted to the Navy Department, where it shall be preserved; and the entries made in it copied into a general registry, alphabetically arranged, and kept in the Department.

The obligations incurred by every seaman who signs the register shall be those of faithful service and due performance of all seamanlike duty under the flag of the United States, good moral deportment, and prompt obedience to all orders that may be issued by his lawful superiors so long as he shall continue to be a member of the Navy.

The privileges attached to this registry shall be:

1. For every five years of actual duty on board a public vessel an increase of one dollar a month over and above the established rates of ordinary pay; that is to say, for the first five years of such service one dollar per month; for a second term of five years of such service an additional dollar per month; for a third term of five years another dollar; and for a fourth term of five years—making a total of twenty years service—another dollar; amounting in all for such twenty years service to four dollars a month; after which no further increase to be made. This additional monthly pay, so earned by service, to be paid to each man so long as he may continue to be a registered seaman of the Navy; and, after twenty years of service, to be paid whether he continues a registered seaman or not.

The right to this additional pay to be liable to forfeiture at any time within the twenty years actual service by the resignation of any seaman on the registry, or by his being struck off the list of registered seamen; which may be done at any time; and shall only be done by the order of the Secretary of the Navy, or by the sentence of a naval court-martial, upon charges of misconduct; in either of which events—resignation or discharge by sentence of the Secretary of the Navy or of a court-martial—he shall cease to belong to the Navy, and shall lose all the privileges of such a character.

2. Every registered seaman to be entitled to resign his post in the Navy at any time after three years' service, if not engaged on a cruise. When engaged on a cruise and absent from the ports of the United States, he shall not resign without the consent of the commanding officer of his ship. A record of all resignations to be duly kept and reported to the Department.

A registered seaman of more than twenty years' service continuing in the Navy, only to forfeit his additional pay when such forfeiture shall be adjudged by a court-martial as a punishment for grossly immoral or insubordinate conduct. By such sentence also for such offenses, his additional pay may be suspended by a court for such time as they may adjudge.

3. No registered seaman of the Navy to be subject to any corporal or other punishment of a degrading character, and to such only as may be ordered by a court-martial on charges duly preferred and tried. This prohibition not to prevent the punishment without a court-martial of such minor delinquencies in conduct and discipline as may be corrected by withholding the usual indulgences of the service, stopping portions of the ration, or increasing ordinary duty.

4. Every registered seaman to be entitled after any term of three years' service to a furlough of such reasonable length as may enable him to make one or more voyages in the merchant marine, not extending, without special permission, to more than six months; such furlough to be granted by the commanding officer of the squadron, or the commandant of the navy-yard nearest to the port at which his cruise may terminate, and only to be granted in any case with an expressed reservation and notice that the seaman to whom it is given shall report for duty in the Navy when any public emergency shall render it necessary so to order him, the order for his return to duty to be issued by the Navy Department or by such officer as may be authorized by the Department to do so. A failure to report in accordance with this provision to render him liable to be struck off the registry by the Secretary of the Navy. Every registered seaman reporting for duty within three months of his last cruise, and being thereupon ordered to duty, to be entitled to pay from the date of termination of his last cruise.

All furloughs to be regularly reported and noted at the Navy Department.

5. Every registered seaman to be entitled to wear on his dress some appropriate badge by which he may be distinguished and known in the Navy, which badge will be designated and provided by the Navy Department.

6. The petty officers of each ship to be selected, as far as convenient, from the class of registered seamen, and the appointment always to be regarded as dependent upon the merit and good character of the person selected, to be held on good behavior, during the term of a cruise.

7. A record to be kept, under the direction of every commanding officer of a squadron or ship, of the actual amount of sea service performed by each registered seaman whilst under his command. This record to be returned to the Department at the end of every cruise, and to be transferred to the general registry of seamen. Upon the evidence of this general registry the additional pay to be granted.

8. Every seaman to be admonished to give his true name, age, and place of birth, upon signing the registry, and to be required to engage not to ship in merchant or other vessels, whilst on furlough, by any other name. His being convicted of violating this engagement to render him liable to be struck from the list of registered seamen upon the order of the Secretary of the Navy.

9. In every case of dismissal from the service, as a registered seaman, the party so dismissed to receive whatever moneys may be due to him, unless the same shall have been forfeited by the sentence of a court-martial imposed as a punishment for an offense committed by him. A seaman dismissed from the registry not to be entitled to be restored but upon the permission of the head of the Navy Department, granted in consideration of the meritorious character of the applicant.

10. Seamen, ordinary seamen, and landsmen in the service, not belonging to the registry, to be subject to such discipline, duty, and penalties as Congress may provide in a code of regulations adapted to their government, under such restrictions or modifications as the Department may think proper to make.

11. A printed book or circular to be made by the Department, containing all the regulations and conditions relating to the establishment of registered seamen, giving a full description of the obligations to be contracted by them, and of the privileges to which they may be entitled. Copies of this book or circulars to be furnished to every squadron or single vessel in commission, of which copies, one shall be given to every seaman, in order that he may be fully informed of the nature of the engagements to be incurred by him on entering the service of the United States. These

regulations to be read and explained to the several crews, and as far as may be necessary to every seaman before he signs the registry.

12. The Department to be authorized to make, alter, and modify all rules and regulations, so far as it may be found expedient for the due establishment and support of this purpose of creating a corps of registered seamen, in accordance with the general objects intended to be promoted in the above plan, and for the supplying of any defect which experience may show to exist in it.

The term seamen, as used throughout this plan, is to be understood to embrace every class of mariners on board a public vessel, whether denominated seamen, ordinary seamen, or landsmen.

13. A limited number of boys to be received into the Navy upon obligations contracted according to law, to serve until they arrive at the age of twenty-one years. Their number, the quota to be allowed to each vessel, and all needful and proper rules for their government and duties to be regulated by the orders of the Navy Department.

This system of providing for a more effective marine I respectfully submit to your consideration. There already exists power in the Executive to adopt nearly the whole of its details. It may be proper, however, to submit it to the approval of Congress, with a view to obtain for it a legislative recognition, and especially to procure such enactments as may be necessary to give the sanction of law to the establishment of the registry, which constitutes the ground-work of the plan.

INCREASE OF THE NAVY.

In the activity and diversity of enterprise which the busy spirit of this time has exacted from the Navy, it has now become manifest that the increase of the naval establishment of the country is not only recommended by the most urgent public considerations, but is also forced upon the attention of Congress as an absolute necessity. The honor as well as the successful venture of the nation, and I might even say the indispensable obligation of national defense, and the constant'y-recurring need for the exhibition of the national power, all combine to present this question to Congress as one of the first magnitude. During the past year this Department has been impelled, by a due regard for the great public interests committed to its charge, to put in requisition nearly the whole disposable force of the Navy! The details of this report will show that constant and various employment has been demanded of officers, ships, and crews. I trust that Congress will see in these requisitions how much the demands of necessary service engross the means provided to accomplish it, and will deduce from this fact an argument in favor of enlarging the naval resources for still larger naval operations.

Whilst other great maritime Powers are strengthening and extending their capabilities for aggression and defense, and are bestowing a sedulous labor upon the creation of steam navies of singular efficiency, they have imposed upon us a new obligation, if not to track their progress with equal steps, in an effort to bring ourselves abreast with them in their advance, at least to maintain that position of relative strength which it has been our policy heretofore to assume.

The actual exigencies of our own service, so conspicuously multiplied by the rapid extension of our domain and the settlement of new marts of trade, and the establishment of new lines of commerce on the Pacific, cannot but present to every citizen of the United States an altogether irresistible argument to persuade the nation to a much larger provision of ships and men than we have heretofore kept in commission. The Pacific, during the next ten years, is likely to become the theater of the most interesting events of our time. A nation is growing up upon its shores, which will both attract and supply an amount of commercial enterprise in the rapid growth and activity of which the world has yet had no parallel. The discovery of America did not give such an impulse to this spirit as we now witness in the energy and occupations of these recent settlements.

At this moment we are without a public steamship in that ocean. Our various commerce scattered along the whole coast from Oregon to Chili, and our citizens who are found in every port throughout that extended line, are left to the protection of but two frigates and two sloops-of-war, composing a squadron whose utmost activity can but half perform the duty assigned to it. Our new relations with Asia and the intermediate islands, which are constantly multiplying the resources of trade, and with them the hazards of collision, and the consequent increase of numbers drawn from the population of every country to the competitions of this theater, all indicate the commencement of an era of great political significance, which will henceforth exact from the Government more than its accustomed vigilance in noting the progress of events, and more than its usual energy in the duty of guarding our citizens who may be connected with them. It is, therefore, more necessary than ever that we should have a respectable force always accessible to our countrymen in this field of action, and capable of giving them protection against the perils of war and popular outbreak and revolutionary commotion, which in future, even more than in the past, may be expected to characterize many of the States and communities to which their business invites them. A steamer of a large class, adapted to the general duties of a cruise, and a smaller one to be kept at hand at San Francisco, for use in California and Oregon, I regard as almost indispensable additions to the squadron assigned to that service.

Looking to the Atlantic, we find motives equally strong for the increase of our naval armaments, and particularly for the enlargement of the number of our steamships.

Whilst I am fully aware that the power of the United States happily consists more in their ability to provide for the contingencies of invasion than in the actual exhibition of an equipped force, and that we may dispense with much that is deemed requisite in the relations of European Powers, still we cannot fail to recognize the fact, that the respect due to the interests of our people requires the habitual and familiar presence of our flag in every region of commerce, sustained by such an amount of force, and of such a quality, as may give some significant token of the resources we command at home. A salutary conviction on this point is, to a great extent, inspired by the excellence of our armaments when brought into comparison with those of other nations. We cannot afford to lose or impair our reputation for producing the best ships and the best disciplined crews that navigate the ocean, however we may afford to exhibit them in smaller numbers.

The principal maritime nations are now diligently intent upon the effort to build up powerful steam navies. Most of them are already far ahead of us in this species of force; and it is very obvious, from the urgency with which the new marine of Europe is pressed to assume this character, that there is a deep and earnest conviction of an impending necessity in which the improved force will be mainly relied on as the efficient element of war. Are we so far removed from the occasion or the scene of apprehended conflict as to warrant any indifference on our part to the possible issues of a collision? Are our affairs so little exposed abroad, or so concentrated at home, as to exempt us from all necessity to consider the effects which may follow the recent changes in the naval organization of Europe?

These considerations, and others which they suggest, induce me to ask the attention of Congress to the recommendations of the Bureau of Construction accompanying this report, and to invite them, with the most earnest solicitude, to provide for the building of three first-class screw propeller frigates, and the same number of propeller sloops-of-war. To these might be added with advantage a few smaller steamers adapted to quick dispatch and coast navigation.

Our navy-yards are abundantly supplied with large quantities of the best timber, in the best condition, which could not be better appropriated than to this object. There are two frigates, the Santee and the Sabine, which have been housed on the stocks in Portsmouth and New York for the last ten years. These might be launched and fitted for service, and their places might be occupied as well as the sheds now vacant in other yards by the new steamships proposed to be built.

In connection with this subject, I would call the attention of Congress to the necessity of authorizing the establishment of one or more factories for the construction of all the machinery necessary to the complete equipment of the largest class of steamers. The great importance of such establishments to the Government is felt by this Department in the daily conviction that only by the command of such a resource may the Navy be promptly and surely supplied with the best machinery for the public vessels. The inspection and control of the work whilst it is in progress, the assurance of the best material, and the punctual compliance with the demands of the service, are advantages that may only be efficiently secured by having the workshop under the command of the Government. The experience of the past will also fully demonstrate that this mode of supplying the machinery of our public vessels must be, in its general result, more economical than any other, and will certainly secure much the most reliable kind of work. The plans would be more uniform, failure of machinery less frequent, and the improvement of the models of construction more certain.

The mail contract law of 1847 contains a provision which authorizes the Government to appropriate any of the vessels built under it to the naval service. I would recommend that one of these, of the first class, be selected and equipped with the proper armament. I make this suggestion from a persuasion that it is a matter of importance to the Government practically to determine, by experiment, a question upon which much doubt is entertained, and which it is necessary to solve, whether these steamers are really adequate to the demands of the naval service, and may be usefully converted into ships of war. The determination of this question may settle a point of great moment touching the reliance to be placed upon these ships in any sudden emergency—a point much more safely to be settled in a time of peace than in moments of excitement and pressure, when no other resource may be at hand to meet the consequences of a failure.

It is further necessary to make provision for an increase of seamen. The present limit of seven thousand five hundred men is insufficient even for the necessities of the service in its existing condition. If the full complement of men appropriated by the regulations of the Navy were now on board of the vessels in commission, more than the whole number allowed would be required. I think it therefore indispensable to the proper efficiency of the service that an addition of not less than fifteen hundred be authorized to be made to the establishment, and that a correspondent addition be made to the yearly estimates of naval pay. It is equally necessary that provision be made for an increase of wages, either in monthly pay or in the shape of a bounty, to be given after enlistment. The amount of this increase should be regulated by some reference to the wages given in the merchant service, which are now so much higher than the naval pay as to increase the difficulty, to which I have heretofore alluded, in the procurement of the best men.

A reference to the report of the Bureau of Medicine will inform Congress of the condition of the medical service of the Navy and the pressing necessity that exists for an increase of officers in that department. Great relief would be afforded by an authority to appoint a number, not exceeding twenty assistant surgeons, and to make a correspondent promotion of an equal number, or of so many as by proper length of service may be qualified for it, into the upper grades.

I beg leave also to call the attention of Congress to the report of the commanding officer of the Marine Corps, which will show how inadequate is the present limitation of that corps to the ordinary demands of the service. The opinion of General Henderson upon this point, of itself entitled to great weight, is reenforced by that of many of the most experienced officers of the Navy, as will be seen in the correspondence accompanying the report, to which I invite a careful attention. In conformity with these opinions, I respectfully recommend to Congress the passage of a law to authorize the enlargement of the corps by the addition of eighty sergeants, eighty corporals, thirty drummers and fifers, and one thousand privates, and that the four captains, four first and four second-lieutenants, conditionally allowed to the service by the proviso to the naval appropria-

tion bill of March 3, 1849, be retained permanently in the corps.

The same necessity which has led to this representation of the embarrassments of the service in those branches to which I have just alluded, compels me to ask for some addition to the corps of pursers. This important division of the naval organization is found to stand in need of more aid than the present allowance affords. The corps scarcely furnishes that proper rotation in service which the peculiar duties of the purser demands. It is necessary after every cruise to allow this officer a sufficient time on shore to settle his accounts—a period which will not always place him at the disposal of the Department for an early return to sea, if it were even proper to compel these officers to a repetition of duty without some time for such refreshment on shore as every officer requires.

If Congress should think proper, in consideration of this condition of the corps, to sanction an increase of its members, I would earnestly recommend the establishment of a grade of assistant pursers, to which only the new appointments should be made; that these assistants should undergo an examination as to their physical and mental abilities previous to their appointment; that the age of admission should be regulated by the Navy Department; and that no applicant should be nominated for the corps without a satisfactory conformity to the preliminary condition. Promotion and pay should be regulated by law, and no promotion should be made but upon full evidence of the capability of the individual to comply with all the demands of service; this evidence to be obtained by such course of examination as the Department may prescribe. With such conditions, I would recommend that Congress should at present authorize the appointment of twenty assistant pursers to be attached to the corps.

As a subject of great interest to the efficiency of the Navy, I beg leave to renew the recommendations heretofore made by this Department for the gradual reduction of the number of officers who are incapable of useful service, by the adoption of some suitable plan for retiring all of this character from the sphere of ordinary duty. A well-organized naval system requires that the officers charged with its administration should, as far as possible, be maintained in a condition for whatever employment may be demanded of them, and should always exhibit the utmost alacrity in their obedience to orders. There is no better test of the spirit of the corps, nor no more commendable sign of a good officer, than his readiness to accept every call of his profession. This high character can only be maintained in the Navy by exempting from command all who obstruct the path of duty. Those whose disability has been the result of long and faithful toil in the national service should be provided with an honorable retreat, in which old age and infirmity may find repose. They who, without service to plead for their incapacity, only stand in the way of more willing and more capable men, should be consigned to a retirement on smaller pay, by the operation of a law which should render their retirement compulsory.

It may be worth the consideration of Congress to make permanent provision for these two classes of officers. This might be advantageously accomplished, perhaps, by a law which should confer upon the first class a rate of retired pay, graduated from half pay up to that allowed to leave of absence, according to the amount of sea service they may have performed, and adding to this an honorary promotion of one degree in rank, and which should dispose of the second class by retiring them on half of leave of absence pay.

The details necessary to such a system may be easily regulated whenever Congress shall find occasion to take the subject into their deliberations.

I repeat also my concurrence in the views presented by my predecessor in his report of November, 1850, on the propriety of "recognizing by law the office of Commodore, and the creation of at least two officers of the rank of Rear Admiral." I can add nothing to the satisfactory arguments with which that recommendation is enforced, and therefore content myself with a reference to the report, and an earnest invocation to Congress to give it a favorable consideration.

MISCELLANEOUS.

The reports from the chiefs of the several bureaus of this Department will make Congress acquainted with the details of the naval service in each branch of its administration. I respectfully ask their attention to the many valuable suggestions these reports contain for the better government of the Navy. Amongst these, I select for a more special notice the recommendations of the Bureau of Provisions and Clothing, touching the mode of making contracts, in respect to which it is proposed that some discretion should be lodged in the bureau to authorize its rejection of a contract when offered by a bidder who has on any previous occasion failed to comply with his engagement.

I particularly commend to the notice of Congress the representations of the Bureau of Yards and Docks in reference to the several navy-yards under its care. The yard at New York requires early consideration. A large portion of the land belonging to it has not yet been placed under the exclusive jurisdiction of the United States, and is consequently subjected to onerous assessments for improvements by the city of Brooklyn, and exposed to the very inconvenient demands of that city in the opening of streets leading to the channel of the Wallabout, which, if opened, would seriously affect the security of the yard, and greatly incommode its operations. So important is it to the Government that this difficulty should be removed, that I think it would even be advisable to transfer the works of this yard to some other convenient location, unless the jurisdiction over the land be fully conceded to the United States. Efforts have been made, and are still making, to obtain this cession from the Legislature, and I trust will now be successful. If they should not, there is reason to believe a better site may be obtained for the yard, free from the present inconveniences; and that the expense of the new establishment might be defrayed by the sale of the old.

The floating dry-dock in California, contracted for in obedience to the several acts of Congress heretofore passed, has been completed, and delivered at San Francisco. No appropriation was made for the basin and railway, without which the dock cannot be safely or usefully employed. I submit it to the decision of Congress whether these structures should not be made without delay.

The Naval Asylum at Philadelphia is well conducted, and is found a valuable refuge to the infirm and disabled seamen who have been admitted into it. I concur in the opinion expressed by the head of the Bureau of Yards and Docks, that its position is not the best adapted to its effective usefulness in the Navy; and as the property is believed to be very valuable, it may be worthy of consideration whether it would not be good policy to dispose of it, and reëstablish this institution either at Annapolis or Norfolk, where its inmates would be removed from the temptations to disorder which the proximity to a large city throws in their way.

The Naval Observatory continues to pursue its appropriate labors, with its usual good results, and is found to contribute the most important facilities to the improvement of navigation. I cannot better commend it to the regard of Congress than by a reference to the letter of Lieutenant Maury, which accompanies this report.

The first volume of the Nautical Almanac, in charge of Lieutenant Davis, is now in press, and will be given to the public. His report will explain the progress and condition of his work.

Lieutenant Gilliss, who for more than three years past has been employed, in pursuance of the directions of Congress, in conducting in Chili the observations recommended to be made by the American Philosophical Society and the Academy of Arts and Sciences, has recently returned to the United States, bringing with him a rich contribution to science, in a series of observations amounting to nearly forty thousand, and embracing a most extensive catalogue of stars. He deserves great praise for his assiduity in this labor, which, in conjunction with similar observations in other quarters of the globe, will supply important aid towards the determination of the solar parallax, a problem of great interest to navigation and science. Upon the conclusion of his work at Santiago, he was enabled to make a judicious sale of his observatory and its apparatus to the Chilian Government, which has manifested a most friendly interest in his service, and afforded him much useful assistance.

His full report will be made to this Department, and as soon as received will be transmitted to Congress.

Professor Espy during the past year has been, as in the years before it, busy in the pursuit of his meteorological observations and his theory of storms, prosecuting his researches without abatement of zeal or assiduity. He promises soon to give the world another volume of facts and deductions, by which he hopes to bring the laws of the wind and the tempest into the category of an "exact science." His letter appended to this report will explain his progress, and commend his industry to the friendly recognition of Congress.

By the enactment of the naval appropriation bill of August 31, 1852, this Department was authorized and directed "to select a site for a navy-yard and naval depôt in the bay of San Francisco, in California, or neighboring waters."

The board of officers who were dispatched to make the necessary examinations for the selection of this site have performed the task intrusted to them, and have returned to this city. They have not yet entirely completed their report. It will be put in the possession of this Department in a few days, when I shall make it the subject of a special communication to Congress.

I renew the recommendations heretofore made, and now again referred to in the report of the Bureau of Provisions and Clothing, in favor of such discretionary change in the Navy ration as recent scientific research has proved to be useful, through the process by which vegetables may be preserved for consumption at sea. And I also adopt, and respectfully beg leave to urge upon the attention of the Legislature, the suggestions of the head of that bureau in reference to a prescribed limit on the commutation for stopped rations in money.

Congress having at its last session made a retrospective provision for an increase of pay to the officers, petty officers, seamen, and marines of the Navy, and to the officers and men of the revenue service, who served in the Pacific ocean, on the coast of California and Mexico, since the 28th of September, 1850, it would seem to be but an equitable act, and strictly in accordance with the liberal design of this provision, to extend its operations so far back in point of time as to embrace the case of those who served on that coast from the origin of the war. Indeed, every consideration which could recommend the policy of the appropriation that was made will be found to apply with increased cogency to those to whom I have alluded. Their service is more severe, their hazards greater, and the expenses to which they were subject in that quarter, when the country was more unprovided than in the subsequent period, were still more onerous. An appropriation in their behalf of a similar character to that which was made in favor of their successors would be an acceptable and just tribute to a corps which has proved itself worthy of the high appreciation of the Government.

The estimates for the support of the Navy and the Marine Corps for the year ending on the 30th day of June, 1854, and the statement of appropriations required for all objects within the control of this Department, present—

An aggregate of.....	$11,501,593 67
Deduct for special objects.....	4,031,921 98
Leaves for the support of the Navy and Marine Corps	7,469,671 69

It is proper to remark, that the large increase in some of the estimates made for the coming year over the actual amounts appropriated for the service of the last two or three years, which it will be found are required for the improvement of yards and docks, construction, equipment, and repair of vessels, the expenses of ordnance, and the encouragement and support of the mail service, has become necessary by the reduction which Congress has hitherto thought proper to make from the estimates submitted for the expenditures which were thought essential to the public service in most of these branches of the naval administration. The appropriations now asked for may, therefore, be regarded as the necessary consequence of such a subtraction from what was deemed but an adequate annual provision for the completion of works of indispensable use. And being viewed in the

light of arrears due to the public wants, they furnish no index of what may be the future necessities of the Department if provided for as they arise.

The estimate for the mail service also, being one with which the naval establishment has no proper connection, should not be brought into the account of the expenditures of the Navy.

The total amount drawn from the Treasury during the fiscal year ending June 30, 1852, as shown by the statement of appropriations for the naval service prepared by the Second Comptroller of the Treasury, is.....$9,726,251 42
Deduct repayments..... 813,132 70

Which shows the sum of.....$8,913,118 72 as the total expenditure on all objects under the control of the Navy Department, but of which amount there was expended for special objects the sum of $2,656,066 84, leaving as the true expenditure for the support of the Navy and Marine Corps $6,257,051 88 for the fiscal year ending June 30, 1852.

The unexpended balances of appropriations for the naval service, marine corps, and special objects under the control of the Navy Department was, on the 30th of June, 1852, $3,119,644 50, all of which will be required to meet the outstanding obligations due from the appropriations to complete the objects as provided for by the appropriations for that year, in addition to the estimates for the fiscal years ending 30th June, 1853 and 1854.

Accompanying the reports and documents will be found the abstract or compendium of the reports of the chiefs of the bureaus required by the resolution of the Senate of the 26th August, 1852.

I have the honor to be, very respectfully, your obedient servant,

JOHN P. KENNEDY.

Report of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
December 4, 1852.

SIR: In anticipation of the approaching session of Congress, I respectfully submit the following report of the operations of the Department of the Interior.

The general nature of the duties of this Department has been fully explained in my former reports, and, without repeating what has been said, I will proceed to exhibit, under appropriate heads, a condensed view of its condition and wants.

ESTIMATES OF APPROPRIATION.

To enable you to make a comparison of the estimates for the next fiscal year with those for the present, I submit the following tabular statement:

	1853.	1854.
Department proper.....	$35,827 50	$35,230 00
Land service.....	1,284,916 47	1,077,060 55
Indian affairs.....	1,343,276 36	1,015,735 50
Pension office.....	1,566,040 00	985,846 68
Expenses of U. States courts...	672,053 00	672,900 00
Public buildings.....	418,504 71	1,107,663 00
Penitentiary of the District of Columbia.....	9,210 00	8,890 00
Agricultural statistics.....	5,500 00	7,700 00
Insane paupers.....	10,000 00	10,000 00
Census.....	150,000 00	.....
Mexican Boundary Survey.....	200,000 00	.....
	$5,695,328 04	$4,921,025 71

It will be seen from the foregoing table that the aggregate for the next year is less by $774,302 33 than that for the present. It is proper to remark, however, that the estimates for the land and Indian service are incomplete, for want of precise information, at the time they were prepared, of the amounts which will be required for those objects in California, Oregon, and other remote parts of the country.

The variations in regard to the Department proper and judicial expenses are too small to require detailed explanations.

Large balances of the appropriations for pensions will remain unexpended at the close of the present fiscal year. The amount estimated for that service during the next year is, therefore, less by $580,193 34 than for the present. The estimate for public buildings exceeds that of the present year $689,158 29. This is caused by the introduction of an item of $600,000 for the extension of the Capitol, for which object no estimate was made for the present year. The residue of the excess is for other new objects in the city of Washington, which will be fully explained in the report of the Commissioner of Public Buildings.

The expenses of the Penitentiary have been again reduced, under the judicious management of the present inspectors and warden.

The estimate for agricultural statistics has been increased $2,200. This consists of two items, viz: for salary of a librarian $1,200, and for the purchase of additional books $1,000. No estimates have been submitted for the Census or Mexican boundary survey, because the sums which may be required will depend upon the action of Congress on the recommendations contained in other parts of this report.

PUBLIC LANDS.

The report of the Commissioner of the General Land Office exhibits much diligence and activity in that branch of the public service, and contains important recommendations suggested by experience, to all of which I invite your attention.

The northern boundary of the State of Iowa has been run and marked with unprecedented dispatch, and a full report of the survey will be submitted at an early period of the session of Congress.

The quantity of land sold during the last fiscal year is 1,553,071 acres, being 293,776 acres less than the preceding year. The quantity located with bounty land warrants is 3,201,314 acres, being an increase on the previous year of 747,314 acres. The quantity reported under the swamp-land grants is 5,219,188, and that selected for railroads, &c., is 3,025,920 acres. The aggregate of all the public lands disposed of during the last fiscal year is 13,115,175 acres, being an increase over the previous year of 3,342,372 acres. In consequence of the more advantageous terms upon which lands can be located with bounty land warrants, the sales for cash have been diminished; the quantity sold during the first quarter of the present fiscal year being but little over one half the quantity sold during the corresponding quarter of the present year.

In the first quarter of the present fiscal year there were sold for cash..... 243,255 acres.
Located with bounty land warrants..... 1,387,116 "
Located with other certificates.... 15,649 "
Reported under swamp-land grants 2,485,233 "
Making the aggregate quantity disposed of during the quarter.... 4,131,253 "

If the appropriations by means of sale, locations of bounty land warrants, and selections of swamp lands, and for railroad purposes, &c., should continue in the same proportion during the remaining three quarters, the aggregate quantity of land disposed of during the present year will be *sixteen and a half millions of acres.*

The whole number of bounty land warrants issued under the acts of February 11, 1847, September 28, 1850, and 22d March, 1852, is 223,007, and the quantity of land called for by them is 22,428,400 acres. Of these warrants 121,026 have been located, covering 14,802,040 acres, and there are yet outstanding 101,981 warrants, which will cover the further quantity of 7,626,360 acres.

A table accompanying the Commissioner's report presents a comprehensive view of the condition of the public lands in the several States.

It shows the entire area in square miles of each State, the quantity of land surveyed, and the quantity which remains yet to be surveyed; the number of acres which have been offered for sale; the number sold; the quantity embraced in donations; grants for schools, universities, asylums for the deaf and dumb; for internal improvements; to individuals and companies; for seats of government and public buildings; for military services; the quantity reserved for salines; for the benefit of Indians; for individuals, companies, and corporations; the area covered by confirmed private claims; the amount of swamp lands granted to each State; the quantity granted for railroad purposes; and the total area remaining unsold and unappropriated.

The report of Dr. D. D. Owen, on the geology of Wisconsin, Iowa, and Minnesota, is now in press, in accordance with the directions of Congress, and a large number of copies will be delivered early in the session. It is believed that the work itself, and the style of its publication, will be satisfactory to the public.

The final report of Messrs. Foster and Whitney on the geology of the Lake Superior region will probably be submitted to Congress during its session.

No progress has yet been made by the Department in the execution of the act of Congress of the last session providing for the redemption of Virginia land warrants with the United States scrip, receivable in payment for the public lands, the State of Virginia not having yet executed the deed of relinquishment, &c., required by the law. Shortly after the passage of the act I addressed the Governor of Virginia on the subject, and in reply was informed that it would be brought to the attention of the Legislature, which is now in session. As soon as the Department shall have been officially advised that the State of Virginia has complied with the terms of the law, prompt measures will be taken for its execution.

In consequence of the allegations made in the year 1837 of errors and imperfections of the public surveys in the Greenburg district, in the State of Louisiana, the land office for that district has been virtually closed since that period. Many of the resurveys authorized by the act of 29th of August, 1842, having been completed, the necessary steps have been recently taken to bring these lands into market at as early a day as practicable.

Sufficient progress having been made in the public surveys in California and Oregon, I respectfully recommend the extension of the present land system over the agricultural lands, and the establishment of land offices for their disposal. With regard to the mineral lands in California, I beg leave to repeat the recommendations contained in my last annual report, with the modification that the privilege of mining be restricted to citizens of the United States, or those persons who may have declared their intention to become such.

PENSION OFFICE.

The report of the Commissioner of Pensions contains full and exact information in regard to the transactions of that office, with many valuable suggestions of amendments of the laws, which deserve the serious consideration of the Legislative Department of the Government.

This bureau has charge of the bounties conferred by Congress on those who have been engaged in the military service of the country, whether given in land or money.

Pensions or pecuniary bounties have been granted to six classes of persons.

First, to soldiers of the revolutionary war; second, to widows of revolutionary soldiers; third, to invalid soldiers; fourth, to widows and orphans of soldiers in the Mexican war; fifth, to certain classes of persons in the naval service; sixth, Virginia half pay and commutation claimants.

The whole number of pensioners now on the rolls exclusive of Navy pensioners, is 18,868, being 743 less than the number reported in 1851.

The number added to the rolls since the last annual report, is 2,011, of which a large proportion consists of invalid pensioners and the widows and orphans of those who died of wounds or disease contracted in the Mexican war.

The deaths of 823 pensioners of various classes have been reported within the last year.

The expenditure on account of pensions since the last report, as far as it can be ascertained from the Treasury Department, is about $1,500,000, embracing many claims allowed before the close of the last but paid within the present year.

The expense of the system continues nearly the same as in former years, nor is it likely to be diminished until Congress shall by further legislation apply the corrective to many of its abuses.

In my last report I called your attention to the propriety of amending the law so as to confine the benefits of the pension laws to those who rendered the service, and to the widows and minor children of such as were dead; and also to the necessity of adopting more efficient measures to prevent frauds under the various pension laws. As nothing was done by Congress in reference to either of these subjects, I respectfully present them again to your notice.

There certainly can be no sufficient reason for giving to adult children or collateral relatives of a

deceased soldier a bounty for his military services. The policy of the law should be to assume, to some extent, the natural obligations of the deceased soldier to support his wife and minor children in the event of his death in the public service; but there can be no valid claim on the justice or bounty of the Government to go further and make provision for those whom he was under no obligation to support.

The enactment of more stringent laws to prevent the perpetration of frauds on the Government also demands the prompt and serious attention of Congress. Scarcely a month elapses without the detection and exposure of the basest attempts at imposition by fraud, perjury, and forgery.

In some parts of the country the business has been reduced to a system, and bodies of men have confederated for the purpose of carrying into effect their nefarious schemes, by means so artful as to render detection almost impossible.

No effort has been spared by the Department and the Pension Office to discover and frustrate the purposes of these miscreants, but in consequence of the defects in the law it is not always possible to bring them to justice.

REVOLUTIONARY PENSIONERS.

In my last report I stated that the whole number of persons who had been pensioned under the act of 18th March, 1818, was 20,485, of whom 1,383 remained on the rolls. Since that date no new pensioners have been added under that law, and the number now remaining on the list is 1,046, showing a reduction of 337 within the year, and of those whose names still continue on it only 339 have received pensions during the first and second quarters of the current fiscal year.

Under the act of 15th May, 1828, which was passed for the benefit of officers and soldiers of the Continental army who served to the end of the war, only 1,168 were pensioned; of that number 128 are still on the rolls, but 42 only have been paid during the first and second quarters of the present year.

The system of revolutionary pensions was greatly extended by the act of 7th June, 1832. At the date of my last report 32,986 persons had received the benefits of that act, of whom 4,813 then continued on the rolls.

Since that date 80 new pensioners have been added, making the aggregate number of persons who had been pensioned under that law 33,066. Of these 4,328 remain on the rolls, but only 1,495 have received payment in the first and second quarters of the year, from which it may be fairly inferred that a large number have died within the year.

WIDOWS OF REVOLUTIONARY SOLDIERS.

Under the law of 4th July, 1836, 5,163 persons have been pensioned, of whom 978 remain on the rolls. The act of 7th July, 1838, extended the pension laws to widows of revolutionay soldiers who were married prior to 1794. Under it 11,400 have from time to time been enrolled, but only 162 have been paid during the 1st and 2d quarters of the year.

The number pensioned under the act of 2d January, 1848, is 6,000; and under the act of 29th July, 1848, which extended the period of marriage to the year 1800, the number pensioned was 975. There are now on the rolls under both these acts 5,280 pensioners, of whom 4,209 were paid during the first and second quarters of the year.

At the date of my last report the number on the rolls was 5,254. If, therefore, we assume the payments during the year as the basis for estimating the number who survive, it has been reduced to the extent of 1,045.

MEXICAN WAR PENSIONS.

The whole number of pensions granted under the various acts for the benefit of the widows and orphans of soldiers who were killed in battle, or died from disease contracted in the Mexican war, is 1,890, and the number now on the rolls is 1,123, being 627 less than at the date of my last report.

NAVY PENSIONS.

A detailed statement of the Navy pensions accompanies the Commissioner's report, from which it will appear that there are now on the rolls 726 invalids, who receive annually $45,049 96.

There are also 514 widows, who annually receive $101,490, and 48 orphans, who receive $6,138.

VIRGINIA HALF-PAY COMMUTATION CLAIMS.

The half-pay claims examined and allowed under the act of 5th July, 1832, since the date of the last report, amount to $15,964 73. It is supposed that few valid claims of this character are now outstanding. Some, however, have been presented, which, for various causes, have been suspended.

All claims for commutation pay continue suspended by my order until the further pleasure of Congress shall be made known on the subject. This order by its terms will remain in force until the close of the next session of Congress. If, in the mean time, no action shall be taken by Congress, it may become the duty of the Department to make such disposition of them as justice may seem to require.

MILITARY LAND BOUNTIES.

During the year ending 25th October, 1852, land warrants have issued on account of revolutionary claims, as follows:

3 for lieutenants, of 200 acres each..	600 acres.
12 for non-commissioned officers and soldiers, of 100 acres each.....	1,200 acres.
135 warrants of 160 acres each, issued under the acts of Congress, of December 24th, 1811, and January, 1812.....	21,600 acres.
And 7 warrants of 320 acres each, issued under act of Congress of December 10, 1814, equal to.....	2,240 acres.

There have been issued in the same period 39 new certificates of right to locate land warrants of 160 acres each, which issued under acts of 24th December, 1811, and 11th January, 1812, but for which no patents have been granted, 6,240 acres.

Also, two new certificates of right to locate land warrants of 320 acres each, under act of December 10, 1814, upon which no patent had issued, 640 acres.

The aggregate of warrants thus issued for revolutionary service, and service in the war of 1812, is 32,520 acres.

MEXICAN WAR BOUNTY LAND ACT.

The claims under the act of 11th February, 1847, known as the Mexican land bounty law, which were filed prior to the 31st October last, amount to.....89,377,
Filed for scrip in lieu of land bounty..... 4,347

		93,724
Number of land warrants issued...83,088		
Issued for money and scrip..... 3,234		
	86,322	
Leaving suspended, for various reasons..		7,402

The operations during the year under the same act are as follows, viz:

Applications for land.....3,485		
For scrip or money..... 90		
	3,575	
Warrants issued for land.....2,307		
Warrants for scrip or money..... 61		
	2,368	
Suspended claims.....		1,207

The number of appropriations under the act of 11th February, 1847, has increased in consequence of the repeal of the last proviso of the 9th section, by the passage of the act of 22d March, 1852.

BOUNTY LAND LAWS OF 28TH SEPTEMBER, 1850, AND 22D MARCH, 1852.

The execution of these laws have been steadily progressing. Up to the present time the number of cases received and registered amounts to about 200,000—

Of which there have been admitted....140,058	
Now on the files for examination.....4,531	
Suspended for future proof.....55,111	
	199,700

Warrants are issued daily for all admitted cases. The number of new applications amounts to about one hundred per day.

The quantity of land required to satisfy the warrants issued up to the 1st of November, 1852, amounts to 9,935,320 acres, which, at the minimum price of $1 25 per acre, would be worth $12,419,150.

Under the act of 22d March, 1852, there have been received and registered 7,655 cases, of which there have been admitted 2,341, leaving still to be acted on 5,314. To satisfy the claims issued under this act, 143,600 acres of land will be required.

The report of the Commissioner contains some important suggestions in regard to proposed changes in the laws relating to pensions. In addition to those already alluded to, I would invite your particular attention to the propriety of reënacting a provision requiring biennial examinations, by competent medical officers, of all invalid pensioners, and a report as to the condition of their health. The law of 1819 contained a provision of this kind which was found to work well in practice, but it was incautiously repealed by the act of 4th July, 1832. Some such measure is indispensable to protect the Government against imposition.

No material reduction has been made in the clerical force of the Pension Office since the date of my last report; but as the bounty land cases will soon be disposed of, the services of many of the clerks can be dispensed with at an early day.

INDIAN AFFAIRS.

For detailed information in regard to the condition of our Indian relations I respectfully refer to the report of the Commissioner of Indian Affairs.

In my last annual communication I explained somewhat at large my views of the policy which should regulate our intercourse with the Indian tribes. It was in substance that our efforts should be directed to their civilization, and the amelioration of their condition, rather than to measures of coercion. It is not only more just and humane, but more economical, to win them by kindness, and to encourage them to engage in pastoral and agricultural pursuits and relinquish their nomadic and predatory life, than to subdue and restrain them by military force. I still adhere to these opinions, and respectfully refer to my last report for a more detailed exposition of them.

The amendments to the treaties with the Sioux Indians in Minnesota, which were proposed by the Senate, have been submitted to the proper authorities of the tribes and acceded to by them, and their title to a valuable district of country has thereby been extinguished.

In consequence of the rejection of all the treaties which had been negotiated with the Indian tribes resident in California and Oregon, our relations with them are of a very unsettled and precarious character. It is believed that those treaties were rejected, not so much on account of objections to their details as to the leading principles embraced in them, which secured particular districts of country for the exclusive occupancy of the Indians. Until the Senate shall have announced some line of policy to be pursued on that subject, it would be worse than useless to attempt further negotiations. If the Indians are to be removed out of California and Oregon, it will be for Congress to say so, and to provide for them some place of refuge. Or if any particular districts of country within their limits, more remote from the settlements of the whites, are to be set apart for them, it is proper that Congress, which is alone invested with the power of disposing of the public domain, should make the necessary provisions on the subject.

The Department has endeavored assiduously to conciliate the Indians by kindness, and to prevent those hostilities which we had just cause to apprehend. So far these efforts have been in a great measure successful. There is reason to fear, however, that if measures are not speedily adopted to declare by law what is to be the extent of the rights of the Indians, and to protect them from aggression, collisions and bloodshed will ensue.

The removal of the remnant of the tribe of the Seminole Indians has long been a cherished object of the Government, and the Department has spared no pains to accomplish it. Admonished by experience of the cost of blood and treasure which must attend the repetition of the attempt to expel them by military force, it was thought to be more consistent with humanity and sound policy to try the effect of peaceful measures. A special agent was therefore employed to go among them and endeavor to induce them to emigrate volun-

tarily. To give greater force to his representations of the benefits likely to ensue from such a measure, he took with him a delegation of Seminole Indians who had previously removed to the country west of the Mississippi. Their united persuasions have had the effect which was anticipated, and recently several of the principal chiefs of the Florida tribe visited Washington, and while here acknowledged, in writing, their obligation to remove. Late advices from the special agent assures that they still adhere to their engagement; that a meeting of the tribe has been called to make the necessary preparations; and that their removal may be confidently expected at an early day.

Such a result will be a matter of much interest to the people of Florida, as it will not only relieve them from apprehension of danger to their persons and property, but will open an extensive district of country for settlement and cultivation.

CENSUS.

The report of the Superintendent of the Census will show that the greater part of the labor of compiling and classifying the returns has been completed; and the publication can now be commenced, as the residue can be finished and placed in the hands of the publisher from time to time as he may require.

It is estimated that an additional appropriation of fifty thousand dollars will be necessary to prepare the entire work, consisting of two large volumes, for the press.

As some objections have been urged to that part of the plan which contemplates a condensed notice of the geographical features and history of each county, I beg leave to suggest one or two reasons which have led me to believe that it would be eminently useful. In the early settlement of our country, when the population was thinly scattered over a wide extent of territory, but few counties were established.

As population increased, and the public convenience rendered it necessary, these counties were divided and subdivided, until at the present day many of them do not embrace one twentieth part of their original territory. This process must continue to go on for many years to come. When, therefore, an attempt is made to ascertain the progress in wealth and population of any county thus situated, by reference to its condition at each successive decennial census, the inquirer is involved in confusion, and will naturally lose all confidence in the accuracy of the returns, unless he has the means of ascertaining the subdivisions which have taken place, and the counties or parts of counties which have been taken from those which were originally established, and the dates of the successive divisions.

Such a condensed history will also furnish great facilities in tracing the titles to lands. In the State of Virginia, for example, it would be easy to refer to counties, which have been recently formed, whose land titles are to be found scattered through the records of ten or more different counties, of which it has from time to time constituted a part.

The laws of most of the States require conveyances to be recorded in the county in which, for the time being, the land lies. In the various changes which have taken place by the formation of new counties, a tract of land may have been embraced at different times by ten or more different counties.

Every successive conveyance of this land must consequently be recorded in the office of the county in which at that date the land was situated. In seeking, therefore, to investigate the title to a tract of land at the present day, it often becomes necessary not only to ascertain in what county the land was situated at the date of the patent, but to trace all its divisions and subdivisions through a long series of years, step by step, to the present time, in order to ascertain whether the intermediate conveyances have been properly executed and recorded. This information cannot readily be obtained, and the effort to procure it is sometimes attended with great labor and expense. The introductory notices of the counties which it is proposed to prefix to the census will furnish it at a glance; and I am persuaded that there is no portion of the work which will be more acceptable to the public at large.

It will certainly rescue from oblivion, and perpetuate in a convenient and useful form, much valuable information bearing on the history and progress of our country. Great pains have been taken to secure perfect accuracy in this branch of the work.

It is proposed that in every instance the notice of each county shall be transmitted not only to the clerk of the county, with a view to a comparison with his official records, but also that it shall be carefully revised by the proper executive officers of the State.

Objections have also been taken to the publication of the census on the plan proposed, on the score of the large expense which it would involve.

As great misapprehension seems to have prevailed on this subject, I have thought it expedient to institute inquiries to ascertain, first, what would be the actual cost of publishing the entire work in the comprehensive form proposed by the Superintendent, and in a style creditable to the Government; and, second, what would be its cost as compared with the publication in a greatly inferior style of the meager return of the sixth census.

By reference to the Treasury Department, it has been ascertained that the cost of the publication of the sixth census was as follows:

To amount paid Blair & Rives for publishing 10,000 copies of statistical returns of the sixth cencus.....	$137,316 64
To amount paid Blair & Rives, and Allen & Co. for 30,000 copies of Compendium.....	24,773 86
Cost of binding.....	16,712 97
Aggregate cost of publication	$178,803 47

Lippincott & Co. now propose to publish 10,000 copies of the statistics of the seventh census, in two folio volumes of 1,000 pages each, on fine type and paper, well bound with Russia backs, for the aggregate sum of $49,500, being less than one third of the amount paid for the publication of the sixth census. The objection, therefore, on the score of expense is proved to be unfounded.

THE PATENT OFFICE.

The report of the Commissioner of Patents, which is made directly to Congress, will contain full and detailed statements of the operations of that bureau.

The eastern wing of the noble structure, erected and ultimately to be used for purposes connected with the industrial pursuits of our country, will soon be completed and ready for occupation. Some progress has also been made upon the basement of the western wing, and a large quantity of material has been collected with a view to the vigorous prosecution of the work next spring. The basement of the principal building has been greatly improved by dressing the rough stone of which it was built, so as to make it conform in its general appearance to similar portions of the newly-erected building.

There is probably no bureau connected with the Government in whose operations the public at large feel a deeper interest than those of the Patent Office. It is inseparably associated with every interest of our country. The mechanic, the merchant, the manufacturer, and the farmer, are all concerned in everything which diminishes the labor of production in any of the departments of industry. Our people are eminently practical and ingenious. They are constantly employed in the discovery of new means of accomplishing important results at a diminished cost of time, labor, and money. The steam-engine, the cotton-gin, and the magnetic telegraph, are striking and imperishable memorials of the success which has attended their efforts. In the early period of our history, when population was sparse and the prices of agricultural productions high, the labor of the country was directed mainly to the cultivation of the soil. But, as population progressively increases, more attention is devoted to mechanical pursuits and the invention of machinery by which the work of many may be accomplished by a few. Not a day passes without furnishing some evidence of this fact in the form of applications for patents for important inventions and discoveries. The mechanical interest has therefore become one of great magnitude, and it is justly entitled to all the protection and assistance which can be bestowed by Congress consistently with the provisions of the Constitution.

The general principles of our patent system seem to have met with universal approbation, and to have been attended with beneficent results in practice. Since the organization of the office in 1836 it has advanced with rapid strides. At that date one "examining clerk" was enabled to make all the preliminary investigations which were required to ascertain whether the applicant was entitled to a patent; but such has been the increase of the business that six principal examiners and as many assistants are not now able to keep pace with it. The number of models in the office on the 1st day of January, 1836, was 1,069. In the beginning of the year 1851 they had increased to 17,257, and at the close of the present year they will fall but little short of 23,000. If they should continue to increase in this proportion, making no allowance for the augmentation consequent on the increase of population, by the close of the present century they will amount to 150,000, and the whole of the present Patent Office edifice will not be sufficient for their convenient display. To provide against this contingency, as well as to accomplish other important results, I respectfully propose that the Commissioner of Patents be required to have prepared for publication a careful analytical and descriptive index of all discoveries and inventions which have been patented, accompanied by accurate descriptions and drawings which will fully explain the principles and practical operation of the subject of the patent. The advantages of such a publication would be almost incalculable. It would not only perpetuate the invention or discovery by avoiding the casualties by fire and other causes, but it would multiply and diffuse among the people at large the specifications and descriptions, and substantially bring home to every neighborhood to which a copy of the work might be sent the benefits of the Patent Office. In much the larger number of cases the necessity for preserving and displaying the models would be obviated. The pages of the published report would be a safer and more convenient depository for them than the cabinets of the Patent Office, and they would be accessible to everybody. Inventors in remote parts of the country would be placed on an equal footing with those residing near the seat of Government. When their thoughts were turned to a particular class of machinery, instead of being compelled to make a journey to Washington to see what had already been done in that department of the arts, they could at once turn to the analytical index and ascertain what progress had been made by others.

Under the present system it not unfrequently happens that ingenious persons having conceived what they believe to be a new idea, which, when carried into practice, will be of great value, employ much of their time, labor, and money, in perfecting their invention, and when it is finished they come to Washington filled with the hope of those rewards which crown the labors of the successful inventor. Their application for a patent is presented, and submitted to an experienced and skillful examiner, who promptly refers the anxious applicant to a drawing or a model, which shows him that his ideas have been anticipated by another, and reduced to practice many years before. None but those who have taken pains to inquire into the subject can form an adequate idea of the amount of time, money, and labor, which is uselessly expended under circumstances like these, to say nothing of the anxiety of mind and heart, sickening disappointment, all of which might be saved if such a descriptive index as I propose were readily accessible to the public. The publication of it would also tend to stimulate the inventive genius of the country, and lead not only to the development of new agents and processes, but to valuable improvements upon those which have already been brought into practical operation. It is hardly necessary to add that such a work would be of great value in the investigation by courts of justice of legal controversies involving the rights of patentees.

When the index is completed up to the close of the present year, it will be easy, by an annual publication of an appendix to the ordinary report from the Patent Office, to furnish a complete record of the inventions and discoveries of each successive year.

To be of value, such an index should be prepared by a person fully competent to the task,

and illustrated and printed, and bound in a style worthy of the subject and of the nation. It would doubtless be attended with a large expense, but it could readily be paid out of the patent fund without encroaching on the national Treasury, and I can conceive of no purpose to which that fund could be applied which would be more acceptable to inventors, and in all respects so appropriate, as in perpetuating and diffusing the knowledge of their labors, and presenting to the public a full description of the existing condition of the mechanic arts and the kindred branches of science in our country.

The report of Mr. Stansbury on the London Industrial Exhibition of 1851, to which allusion was made in my last annual report, has been delayed by causes beyond his control. It will be ready to be laid before Congress in the course of a few weeks, and will doubtless be a valuable and interesting document.

MEXICAN BOUNDARY.

The latest advices from the Commissioner contain the gratifying intelligence that the survey of the river Gila, from its confluence with the Colorado to the point where it strikes the western boundary of New Mexico, has been completed. Much progress has also been made in the survey of the Rio Grande. When last heard from the parties under the immediate command of Major Emory had finished the work, from the point agreed on by the Commissioners as the beginning point on the river, to Eagle Pass; and it is presumed that by this time the survey has been completed at least two thirds of the distance down the course of the river.

I am not aware that any further progress has been made in the survey of those portions of the line which lie between the Rio Grande and the Gila, and which constitute the southern and western boundaries of New Mexico. A party had been organized, however, for that purpose; and it is possible that it may have been employed in that service before the Commissioner was advised of the action of Congress on the subject at its last session, and ordered to discontinue his operations.

If such should prove to be the fact, I will avail myself of the earliest opportunity to communicate to you all that has been done, to enable you to lay it before Congress.

Before proceeding to present more in detail the views of the Department in reference to the various questions arising out of the survey of the boundary, I feel it to be due alike to myself and the public to correct an inaccuracy which accidentally occurred in my last report, in regard to the latitude of certain points referred to, which was occasioned by an error of the clerk who was requested to fill two blanks in the original draft of the report. But, although the error was too palpable to mislead any one, and susceptible of ready correction by reference to the map, I avail myself of the earliest opportunity to put the matter right upon the record.

The mistake occurs in the following paragraph:

"Difficulties also existed in regard to the point where the Rio Grande strikes the southern line of New Mexico. By the map it appears to be at latitude 31° 45′, whereas the true position is latitude 32° 22′."

The facts of the case are as follows: The southern line of New Mexico is laid down on the map of Disturnell, as nearly as can be ascertained by measurement, in latitude north 32° 22½′, and the town of El Paso appears, by similar measurement, to be in latitude north 32° 15½′, and longitude 27° 35′ west of Washington. This would make the line, according to the map, about seven minutes (or seven geographical miles) north of El Paso, or a fraction of a minute north of 32° 22′, as agreed on by the Commissioners.

By actual observation, however, it was ascertained that El Paso is erroneously placed on the map, both in respect to latitude and longitude; its true position being in latitude north 31° 45′, or a fraction more than half a degree south of its position as marked by Disturnell, and in longitude 29° 40′, instead of 27° 35′ west of Washington, or two degrees and five minutes west of its position according to the map.

The law of the last session of Congress, making the appropriation for the continuation of the survey, is in the following words:

"For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, one hundred and twenty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the Commissioner and Surveyor of the United States further north of the town called Paso than the same is laid down in Disturnell's map, which is added to the treaty."

After mature deliberation, I came to the conclusion that, under the terms of the proviso to this appropriation, no part of the money appropriated could be used or expended; and on the 11th day of October, 1852, I made a report to you to that effect, in which conclusion you expressed your concurrence by an indorsement on the report, dated 13th October, 1852.

A copy of that report and indorsement are appended to this communication.

On the 15th October I addressed a letter to the Commissioner, inclosing a copy of the report and of your indorsement, and informing him that it would not be proper for him to make any further drafts upon the Department, as the available funds had been exhausted. But as I knew that large amounts of provisions had been sent to Presidio del Norte, Eagle Pass, and Fort Brown opposite Matamoros, for the use of the surveying parties along the course of the Rio Grande, and as the Commissioner and Major Emory were in possession of funds raised upon drafts previously drawn upon the Department, I left it to their discretion whether it would be best to disband the Commission at once, or to continue their operations on the river as long as the means at their disposal would enable them to maintain their respective parties in the field.

On this point it was impossible for the Department to form at satisfactory opinion with the limited information in its possession. But, as there could be no controversy in relation to that part of the line, I considered it very desirable not to arrest the survey of it. Peremptory instructions were, however, given to the Commissioner to discontinue all further operations on the southern and western lines of New Mexico, which constitute the disputed portion of the boundary, until further action should be taken by Congress. A copy of that letter also accompanies this report.

As there has been some misunderstanding in regard to the course of the Department on the subject of the initial point on the Rio Grande, and the line thence, westward, which constitutes the southern boundary of New Mexico, I deem it proper to give a full history of all that has been done by the Department in regard to it, and an explanation of the reasons which have controlled its action. The treaty of Guadalupe Hidalgo, provides that—

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch, emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

"The southern and western limits of New Mexico mentioned in this article are those laid down in the map entitled 'Map of the United Mexican States, as organized and defined 'by various acts of the Congress of said Republic, and constructed according to the best authorities, revised edition, 'published at New York in 1847, by J. Disturnell;' of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries; and, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782, by Don Juan Pantoga, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

"In order to designate the boundary line with due precision upon authoritative maps, and to establish upon the ground land-marks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations, and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

"The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own Constitution."

In pursuance of these stipulations, after having completed the survey of the line from the Pacific coast to the junction of the Gila and the Colorado rivers, the Joint Commission reassembled at El Paso in December, 1850.

So far as this Department is advised, the southern boundary of New Mexico was, at the date of the treaty of Guadalupe Hidalgo, a mere imaginary geographical line, which had never been surveyed or marked under the authority of the Mexican Government. The point where this line strikes the Rio Grande had never been designated with precision, and it could therefore be ascertained only by determining its relative position to other points which were known and determined. Much controversy arose on this subject, and serious apprehensions were at one time entertained whether the Commissioners could come to any satisfactory agreement.

Finally, however, they agreed that it should be established in latitude north 32° 22′, and on the 24th of April, 1851, the Commissioners, and other persons attached to the Commission, assembled on the ground, and it was publicly proclaimed that that should be the initial point of boundary on the Rio Grande, and a monument was erected to mark the spot.

A written convention to that effect was also drawn up and signed by the two Commissioners and by the Surveyor on the part of Mexico, and by Lieutenant A. W. Whipple, the Acting Surveyor on the part of the United States. At the date of this convention, Mr. A. B. Gray, who had been appointed Surveyor on behalf of the United States, had not arrived at El Paso, and, to avoid the delay and inconvenience that would ensue from awaiting his arrival, it was agreed by the two Commissioners that Lieutenant Whipple, who was the Acting Surveyor, should officiate in his place. When Mr. Gray joined the Commissioners, about the 19th of July, 1851, he was requested by Commissioner Bartlett, out of abundant caution, to attach his signature to the convention, so as to remove all possible objection which might be raised to the agreement, on the ground that it had not been authenticated in exact conformity with the words of the treaty. Mr. Gray, however, refused to sign the agreement, and that fact was communicated to this Department by a dispatch from the Commissioner. As I foresaw that any difficulty which might arise on this point would necessarily affect our relations with Mexico, I felt it to be my duty to bring the subject to the attention of the late Secretary of State, (Mr. Webster,) and to ask his advice as to what course it was proper for me to pursue. We examined the provisions of the treaty together, and concurred in the opinion that the Commissioners alone were empowered to decide upon all disputes which might arise in regard to the boundary, and that the Surveyors were mere ministerial agents to carry into effect the decisions of the Commissioners, and to authenticate them by their signatures. We regarded the relative functions of the Commissioners and Surveyors as bearing a strong analogy to the duties of a commissioner and surveyor appointed under an order of court, to make partition of a tract of land between two joint owners. It is the province of the commissioner to decide where the dividing line shall run, and of the surveyor to run and mark it in conformity with his decision.

The signatures of both, however, are very properly required to authenticate the report, and to show that it correctly sets forth the action of both. In conformity with this view of the subject, the Secretary of State advised me to request Mr. Gray to sign the agreement fixing the initial

point, and a letter to that effect was accordingly addressed by me to Mr. Gray, on the 31st day of October, 1851.

As the object of this letter seems to have been misunderstood by many persons whose opinions are entitled to respect, I deem the present a suitable occasion to remove all doubts on the subject. In my judgment, neither the Department of the Interior, nor the Executive, nor Congress, have any power to regulate or control the action of the officers designated by the treaty of Guadalupe Hidalgo to perform the duty of ascertaining and marking on the surface of the earth the line between the two countries.

These officers derive their authority *from the treaty itself, which is the joint act of the two contracting parties*, and not from their respective Governments. Their functions are those of arbitrators, and their decision is in the nature of an award, which neither party can set aside; and accordingly by the terms of the treaty, it is expressly stipulated that "the result agreed on by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein."

In view of this clear and distinct provision, for the observance of which the national faith has been solemnly pledged, the Department of the Interior has not claimed or exercised any right to interfere with the action of the Commissioners. It has expressed no official opinion as to the correctness or incorrectness of the point agreed upon by the Commissioners as to the beginning point on the Rio Grande of the southern line of New Mexico; and if I had been satisfied that their decision was clearly erroneous, I did not conceive that it was competent for me to alter or modify, in any particular, what had been done by them. With the distinct declaration of the treaty before me, that "the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein," it would have been strange if I had asserted any such right.

But it has been contended that the letter to Mr. Gray necessarily involves such a pretension. I certainly had no such purpose in writing that letter; on the contrary, my object was clearly to intimate to Mr. Gray that he had neither coequal powers with the Commissioners, nor supervisory control over their action, and that, although his signature might be necessary for the formal authentication of the convention between the two Commissioners, it was not essential to its validity, in like manner as the signature of the clerk of the Supreme Court of the United States may be necessary to a formal certificate of a judgment of the court to an inferior tribunal; and yet the absence of that signature does not in anywise affect the validity of the judgment itself.

The objection to the action of the Department proceeds upon the idea that the Commission contemplated by the treaty of Guadalupe Hidalgo consisted of four members, viz: two Commissioners and two Surveyors, all possessing equal powers. If such be the true construction of the treaty, then I acknowledge I have, in common with the late Secretary of State and his predecessor, (Mr. Buchanan,) misunderstood its provisions.

It will be recollected that the treaty of Guadalupe Hidalgo, which was proclaimed on the 4th day of July, 1848, was negotiated and concluded under instructions issued by Mr. Buchanan. The Commission to run and mark the boundary line was organized under his immediate supervision, by the appointment of Mr. Weller as Commissioner, and Mr. Gray as Surveyor.

That Mr. Buchanan did not regard the Surveyor as possessing equal powers with the Commissioner, or as being an associate Commissioner, is obvious from the fact that all his instructions as to the mode of performing that duty were addressed to the Commissioner alone, and not to the Commissioner and Surveyor jointly. The language of the instructions tends also strongly to repel such a presumption. In his letter to the Commissioner, under date of February 13, 1849, he says:

"As you will be held responsible for the able and faithful execution of the important trust confided to you by this article of the treaty, the President deems it proper to leave to you the organization of the Commission."

Again he says, in the same letter:

"In organizing the Commission, you are referred for any information which you may deem necessary to Andrew B. Gray, Esq., who has been appointed Surveyor."

After the transfer of this service from the State Department to the Department of the Interior, my predecessor, Mr. Ewing, following the interpretation which had been given to the treaty by the Department of State, directed all his instructions to the Commissioner alone, and not to the Commissioner and Surveyor jointly, and I have continued to pursue the same course.

The records of the Department contain nothing to show that while Mr. Weller held the office of Commissioner there was any claim set up by the Surveyor to be an associate Commissioner, or to have power to revise and annul the official acts of the Commissioner by withholding his signature from the record of them. The records show that the Surveyors did not participate in the deliberations of the Joint Commission. They performed none of the functions of commissioners, and gave no votes upon any controverted questions. The Commissioners alone decided upon every question involving the exercise of judgment, and the Surveyors were the operative agents to run and mark the line, in conformity with the principles established by the Commissioners.

The Surveyors did not even attend the sessions of the Commission, except when their presence was required to give information to the Commissioners, or to authenticate the necessary records, as required by the treaty.

In confirmation of this view of the relative duties of the Commissioner and Surveyor, it is proper to remark that the clause in the treaty of Guadalupe Hidalgo which provides for a Commission to run and mark the dividing line between the two countries is a literal transcript, except as to names, of the convention for marking the boundary between the United States and Texas, concluded on the 25th of April, 1838. The provisions of that treaty are as follows:

"Art. 1. Each of the contracting parties shall appoint a Commissioner and Surveyor, who shall meet before the termination of twelve months from the exchange of the ratifications of this convention at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red river. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein.

"The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary."

Under this convention John H. Overton was appointed Commissioner, and John K. Conway Surveyor on the part of the United States; and Memucan Hunt Commissioner, and G. W. Smyth (and subsequently Andrew B. Gray) Surveyor on the part of Texas.

The following extracts from the instructions given by Mr. Forsyth, then Secretary of State of the United States, to "John H. Overton, Esq., Commissioner for marking the boundary line between Texas and the United States," will show what the Department then understood to be the nature and extent of the powers of the Commissioner and Surveyor:

"Upon yourself, jointly with the Texan Commissioner, will devolve the duties of conducting the proceedings of the Commission, of instructing the Surveyors on both sides as to their actual operations in the field, and of assigning to the clerks the duties properly appertaining to their offices. If any question should arise from conflicting views between yourself and the Texan Commissioner, the duty will be yours carefully to investigate the grounds of your own opinions, and when fully convinced of their correctness, and of the fairness of the claims which they will induce you to set up on the part of the United States, to advocate their adoption by every proper argument, drawn from the letter and spirit of the provisions of the treaties. As it would not be consistent with the established principles of the Government to advance any pretensions on the part of the United States not founded in strict fairness and justice, it will be equally essential not to admit on the part of Texas any claim not founded in the same principle."

Again:

"The President confidently relies upon your prudence and judgment, as upon the hearty cooperation of the United States Surveyor, whom in turn you are expected personally to attend, direct, and assist in the performance of his duties, for the proper advocacy of the rights and interests of your country as secured by the treaties. He is obliged the more to confide in your discretion, scrutiny, and patriotic zeal, from the impossibility of foreseeing whether any, and if any, what questions may arise, and from the consequent necessity of leaving you, in a great degree, to exercise your judgment in the discussion and solution of them."

From these quotations, it is obvious that the treaty of 1838 was construed by Mr. Forsyth, precisely as its counterpart has been by Mr. Buchanan, Mr. Ewing, and myself.

That the Mexican Government has also understood it in the same way, is manifest from the fact that it has devolved the duties of Commissioner and Surveyor upon the same individual, General Salazar. If Mexico had regarded the Surveyor as an associate Commissioner, it is hardly to be supposed that she would have been willing to dispense with his services, and to confide her interests to a single Commissioner, while the United States had two on the ground.

Understanding the claim set up by Mr. Gray to invalidate the action of the Commissioner by withholding his signature from the agreement entered into between them, as necessarily involving a right on his part to exercise a supervisory and controlling power over the Commissioner, I deemed it my duty, in conformity with what appeared to be the true interpretation of the treaty and the unbroken chain of precedents under various Administrations, to express my dissent from his pretensions.

With regard to the question, whether the point at which the Rio Grande "strikes the southern boundary of New Mexico" has been correctly established or not, I have not felt myself called on to express an opinion. The treaty has conferred upon me no jurisdiction over the subject. If an error has been committed, I have no power to correct it; or if, on the other hand, it has been correctly ascertained, no expression of opinion by me to that effect could add anything to its validity. Having done all that I conceived I had the power to do, officially, on the subject, it must be referred to other departments of the Government to devise and adopt such further measures in regard to it as the interests of the country may require.

I deem it my duty, however, to request you to recommend to Congress a modification of the proviso to the last appropriation at an early day, so as to relieve the persons attached to the Commission from the embarrassment to which they have been subjected by the want of money to pay them, and also to relieve the Government from the discredit which has been brought upon it by the protest of the drafts of its accredited agents. Five months have elapsed since the close of the last fiscal year, during all which time the officers and employés of the Commission have been diligently engaged in the discharge of their respective duties, in the full confidence that Congress would make the necessary appropriations to defray their expenses and compensate them for their services. This just expectation has been disappointed. No part of the appropriation for the current fiscal year can be applied to their payment.

They are left in the wilderness, many of them two thousand miles from home, without any provision having been made by law for their support where they are now stationed, and with no means furnished to enable them to return to their families. They are now subsisting on funds borrowed on their individual credit, or raised on drafts drawn by the Commissioner and Surveyor before notice of the proviso to the appropriation, several of which have been presented to the Department and protested for non-payment. This is a case which calls for prompt action on the part of Congress, and I cannot permit myself to doubt that your recommendation to that effect will be responded to without delay.

It will also be necessary to make further provision by law for running and marking the residue of the line between the two countries, in accordance with the terms of the treaty of Guadalupe Hidalgo.

THE EXTENSION OF THE CAPITOL AND RECONSTRUCTION OF THE LIBRARY.

The work upon the extension of the Capitol has advanced with as much rapidity as was consistent with its proper execution. The massive foundations have been completed; the arches between the inside walls of the sub-basement have all been turned and the spandrels filled with cement and brick, and the whole overlaid by a pavement upon which the tiling will rest. A large part of the granite work has also been done, and portions of the walls of the principal basement have been built of the beautiful marble which was selected

as the material for the exterior surface of the edifice. The arrangements for the new library room are also nearly completed, with the exception of the painting and gilding. The galleries, piers, alcoves, columns, doors, stairways, shelving, ceiling, consoles, and indeed all of the new fixtures, are of iron. The trusses of the roof are also of iron, covered with copper; so that no combustible material is used in any part of it. The plan of this work was designed, and the drawings and specifications in detail were prepared, by Mr. Thomas U. Walter, the architect of the extension of the Capitol, and the execution of them was intrusted to Messrs. Beebe & Co., of New York. When completed, it will present the first specimen of a room constructed entirely of iron, and I think I may add that, for convenience and beauty of arrangement, it will be without a rival. The workmanship is of the most admirable quality; and when we look at it as it now stands, and reflect that it consists of more than ten thousand separate pieces, of an aggregate weight of four hundred tons, and that it was planned in Washington and executed in New York, more than two hundred miles from the hall in which it was to be placed; and when we see that every part of it fits together with the precision of cabinet work, we are at a loss whether to ascribe most honor and praise to the genius and taste of the architect who conceived and marked out the design, or to the skill and fidelity of the contractors who performed the work.

The damage done to the outside of the western front of the Capitol by the fire of December, 1851, which was more extensive than was at first supposed, has been repaired, and the building rendered as permanent and free from blemish as before the accident occurred.

HOUSES FOR THE VICE PRESIDENT AND CABINET.

Before closing this my last annual report, I feel impelled by a sense of public duty to invite your attention to another subject, to which, under different circumstances, I would not have alluded.

I refer to the propriety of an appropriation by Congress of a sum sufficient to erect and furnish suitable houses for the accommodation of the Vice President of the United States and the members of the Cabinet. At the time our Government went into operation and the salaries of those officers were fixed by law, they were adequate for their comfortable support. But in consequence of the great increase of the supply of the precious metals and the expansion of the currency by means of banks, the relative value of money has been so much reduced that six thousand dollars now is not worth much more than three thousand was at that time. The cost of house-rent, provisions, fuel, and indeed of all the necessaries of life in Washington, has risen to such a degree as to require the most rigid economy to enable the members of the Cabinet and the Vice President to live within their incomes. As far as my observation has extended, few, if any of them, have been able to do so. This evil is increasing every year, and if measures are not adopted to arrest it, the day is not far distant when men of moderate means, but in all respects fitted to serve the public in high and responsible places, will be deterred from accepting them by the heavy pecuniary loss to which they must inevitably be subjected. I am far from wishing to see extravagant salaries paid to public officers. But I think the laborer is worthy of his hire; and I am sure the American people would not desire to see the public functionaries impoverished in their service. They are willing that they shall receive such compensation as will enable them to live in a style becoming their position, without invading their private resources. The high offices of the country should be open to the poor as well as the rich; but the practical effect of the present rate of compensation will soon be to exclude from the Executive councils all who have not ample resources independently of their official salaries.

After much reflection, I have come to the conclusion that the best means of remedying the evil will be to erect suitable houses for the Vice President and the members of the Cabinet, and provide them with the necessary furniture, fuel, and lights. There are many reasons which might be urged in favor of this measure; but it will answer my purpose barely to allude to a few of them

Upon every change of Administration, or in cases of the death or resignation of members of the Cabinet, their successors, often from remote parts of the country, find themselves embarrassed in obtaining, even at an exorbitant price, a suitable residence for themselves and their families.

They are then compelled to expend at least one year's salary in furnishing their establishment, and are consequently obliged to draw upon their private resources for the means of subsistence. Much of their time and attention is occupied by these domestic concerns, which might be more profitably devoted to the public interests. At the close of their terms they are forced to dispose of their household effects at a ruinous sacrifice, and return to their homes impoverished in fortune, and with the ungracious reflection that while they have devoted their time and talents to the public service, their country has refused them even the means of support.

It may be said in reply that there is no obligation on any one to accept these positions; and if they do so, they must abide by the consequences of their own acts. In one sense this is true. There is no legal obligation on any one to accept an official position. But there is a high moral and patriotic obligation on every citizen to contribute his service to his country when it may be required, and there is a reciprocal obligation on the country not to allow him to suffer in his private fortune by that service.

By furnishing the heads of Departments and Vice President with houses, their present salaries will be adequate for their support. They will be freed from the cares and cost of fitting up an establishment for a mere temporary use, and be enabled to devote their whole time to the duties of their offices. They will be placed in a condition of comparative independence, by being relieved from the prospect of a heavy sacrifice by the sale of their effects upon the termination of their official connection with the Government. The heads of Department, instead of being scattered over the city, will be brought nearer to each other and to the President, and be enabled to confer together without inconvenience. And at the close of their terms they will leave the seat of Government with the knowledge that if they have not added to, they have at least not been obliged to substract from their private resources.

From estimates which I have caused to be made, I am satisfied that lots could be bought, and eight substantial, plain, and tasteful houses erected, furnished, and fitted up for occupation, for the sum of $300,000. And as the near approach of the close of my own official term relieves me from all suspicion of being influenced by personal or party considerations in presenting the subject to your notice, I earnestly recommend it to your favorable regard.

THE DISTRICT OF COLUMBIA.

In former reports I have earnestly invited your attention to the interests of the District of Columbia, and endeavored to explain the peculiar claims which it has to the fostering care of Congress. Without repeating the reasons heretofore urged, I beg leave again to present the subject to your favorable notice, and to specify some of the particular objects in regard to which legislation is required.

The introduction of an ample supply of pure water into the city of Washington and Georgetown is a measure of great public interest. At the last session of Congress an appropriation was made to defray the cost of the necessary surveys, &c., to determine the best mode of accomplishing this object. An officer of the Engineer Corps was detailed for this duty, and some progress has already been made in the work, but not enough to enable me to express an opinion as to the plan which should be adopted. A full report will, however, be made and submitted to Congress in time for its action during the approaching session; and I hope the necessary appropriations will be made to commence the work without delay. If additional arguments to those heretofore submitted were deemed necessary, I might refer to the recent conflagration in the Library of the Capitol as an emphatic admonition of the insecurity of the public buildings and archives in the absence of a copious supply of water.

I deem it my duty also to call your attention to the urgent necessity which exists for the erection of suitable bridges across the Potomac to supply the place of those which were destroyed by the floods in the early part of the present year.

The interruption of the travel and commercial intercourse with the opposite side of the river has proved a serious evil to the residents of the District and public generally. And during the winter, when navigation may be obstructed by ice, the inconvenience will be greatly augmented. I therefore recommend that an appropriation be asked for to make the necessary surveys and prepare suitable plans and estimates for the construction of one or more permanent bridges, which may be adapted not only for the accommodation of the ordinary travel and trade, but also for the safe and convenient passage of railway trains. The rapid extension of the system of railways throughout the whole country forbids the idea that the intercourse by mail between the North and the South should continue longer to be delayed and interrupted as it has hitherto been, at particular seasons of the year, by the difficulty of crossing the Potomac.

The Commissioner of Public Lands, in his report, has suggested the propriety of a grant by Congress of a portion of the public lands in aid of public schools in the District of Columbia. This proposition commands my cordial approbation; and I would be happy to see it adopted, with an amendment extending its benefits to the charitable institutions of the District. The population of the District is composed of citizens of every State in this Union. This fact creates a general interest in its prosperity and welfare; and I know of no disposition of a portion of the public domain which would be more strictly in accordance with the spirit of the trusts reposed in Congress, or more useful in itself, than an appropriation of a reasonable portion to instruct the ignorant, reform the vicious, and relieve the distressed inhabitants of the metropolis of the nation.

In former reports I have brought to your notice many other subjects which I regarded as of public interest. Among these were the establishment of an Agricultural and Statistical Bureau; a revision of the laws relating to the fees of marshals, attorneys, and clerks of the circuit and district courts of the United States; an increase of the salaries of the judges of the district courts of the United States; the enlargement of the functions of the Attorney General, so as to make him the head of the department of justice; and the transfer to that department of all matters connected with the administration of justice; the construction of a national highway through our own territory to the Pacific; the more precise definition of the duties of the several executive departments; and that provision be made for the appointment of a Solicitor to the Department of the Interior.

On all these subjects my opinions remain unchanged, and, without repeating the reasons by which they were sustained, I beg leave again to commend them to your favorable consideration.

I have the honor to be, very respectfully, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

TO THE PRESIDENT OF THE UNITED STATES.

Report of the Postmaster General.

POST OFFICE DEPARTMENT,
December 4, 1852.

SIR: In discharge of a duty devolving on me, I have the honor to report that the whole number of post offices in the United States, at the close of the fiscal year ended June 30, 1852, was 20,901. The number of postmasters appointed during that year was 6,255. Of these, 3,726 were appointed to fill vacancies occasioned by resignation; 255 to fill vacancies occasioned by death; 246 on changing the sites of offices; 309 on the removal of prior incumbents; and 1,719 on the establishment of new offices. There were 1,719 post offices established, and 614 discontinued during the year.

From the end of the fiscal year to November 1, 1852, 526 post offices have been established, and 236 discontinued, so that the whole number in operation at the latter date was 21,191. At its close there were in operation in the United States 6,711 mail routes; their aggregate length being

214,284 miles, and employing 5,206 contractors. The annual transportation of the mails on these routes was 58,985,728 miles, at an annual cost of $3,939,971, being about 6 7-10 cents per mile. Of these 58,985,728 miles of annual transportation, 11,082,768 miles were required to be performed on railroads, at a cost of $1,275,520, being about 11½ cents per mile; 6,353,409 miles in steamboats, at a cost of $505,815, being about 8 cents per mile; 20,698,930 miles in coaches, at a cost of $1,128,986, being about 5½ cents per mile; and 20,850,621 miles in modes not specified, at a cost of $1,029,650, being about 4 9-10 cents per mile.

The inland service when compared with such service at the close of the preceding year, as stated in the last annual report from this Department, shows an increase of 17,994 miles in the length of mail routes; of 5,713,476 in the miles of annual transportation; and of $518,217 in the annual cost of transportation. Of such increase of transportation the railroad service amounts to 2,514,061 miles, at an increased cost of $290,501 being an increase of about 29 per cent. both in the service and in its aggregate cost; the steamboat service to 898,427 miles, at an increased cost of $50,923, being an increase of about 16½ per cent. in service and 11 per cent. in cost; the coach service to 972,342 miles, at an increased cost of $81,827, being an increase of about 5 per cent. in service and 8 per cent. in the aggregate cost; and in modes of service not specified to 1,328,646 miles, at an increased cost of $94,967, being an increase of about 7 per cent. in service and 10 per cent. in cost.

Compared with the transportation and its cost at the close of the fiscal year ended 30th June, 1842, it shows that the railroad and steamboat service had increased in the ten years 13,011,915 miles, at an increased cost of $1,131,654, being about 294 per cent. increase in service and 174 per cent. on cost; the coach service 1,931,894 miles, at a decreased cost of $571,524, being about 10 per cent. increase in service and 33⅓ per cent. decrease in cost; the service in modes not specified 9,205,928 miles, at an increased cost of $292,045, being about 79 per cent. increase in service and 40 per cent. in cost.

It may be proper in this connection to remark, that the actual increase in coach service performed is greater, and that of service performed on horseback or in other modes not specified is *less*, than above stated, for the reason that since the act of 1845, much coach service is performed under contracts not specifically requiring that grade of service; but only that the mails be carried with due "celerity, certainty, and security." The service under such contracts is now reported as in modes not specified, although coach service is performed under them for a larger portion of or the entire year.

There were in operation on the 30th day of June last six foreign mail routes, of the estimated aggregate length of 18,349 miles; the number of miles of annual transportation thereon is estimated at 652,406. The service on three of those routes is under contract with this Department; the annual transportation thereon is estimated at 200,592 miles, at a cost of $400,000, being about $1 99 per mile. The service on the other three routes is under contract with the Navy Department; the annual transportation thereon is estimated at 458,934 miles, at an annual cost of $1,496,250 (including the additional compensation voted to the Collins line at the last session of Congress,) being $3 26 per mile.

The annual cost of conveying the mails across the Isthmus of Panama is uncertain, as it depends on their weight; the cost for the last year, at twenty-two cents per pound—the price paid—was $48,039. It is estimated that for a large portion of the contents of these mails (being printed matter) the amount received in postages under the act of August 31st, 1852, does not exceed five cents a pound in payment of the whole transportation from the point of mailing to that of delivery. As that act did not go into effect until the 30th of September last, no reliable estimate can now be made of the increased cost of mail service across the Isthmus under its operation, but there can be no doubt that such increase will be large. The temporary arrangement for this service, which went into effect on the 1st of December last with the Panama Railroad Company, is still in force, and is found to be a great improvement on the previous arrangement, though not yet entirely satisfactory. The completion of the railroad is looked forward to as the remedy for most of the existing delays and defects in the service between New York and San Francisco.

Under the general head of "transportation of the mails" is chargeable the compensation of route and local agents and mail messengers. The amount payable on this account at the close of the last fiscal year was $196,936 per annum.

The extent and annual cost of the entire mail service under the control of this Department at the close of the fiscal year ended on the 30th June last, as well as its division among the States and Territories, and the mode of its performance required by the then existing contracts, will more fully appear by the annexed table, furnished by the Second Assistant Postmaster General, and marked A.

As the railroad service is daily becoming more important and expensive, a table showing the extent and annual cost of that service in each of the States, as in operation on the 30th day of June in each year, from 1848 to 1852, inclusive, has been prepared, and is hereto annexed, marked B.

Our ocean steamer service commenced in June, 1847. Its great and rapid increase is shown by the following tabular statement of its cost for each fiscal year, as follows:

The cost of this service for 1848 was	$100,500
for 1849 was	474,710
for 1850 was	721,570
for 1851 was	1,023,250
for 1852 was	1,896,250

The gross receipts of the Department for the year ending June 30th, 1852, were $6,925,971.28, derived from the following sources, viz:

Letter postage, including foreign postage and stamps sold	$4,226,792 90	
Postage on newspapers, periodicals, &c	789,246 36	
Fines, other than those imposed on contractors	27 50	
Receipts on account of excess of emoluments of postmasters	38,478 24	
Damages collected from failing contractors	5,213 30	
Receipts on account of dead letters	8,265 12	
Receipts from letter-carriers	104,355 92	
Stamps in hands of postmasters 30th June, 1851, being such as remained of the old issue, and which were charged to them on that day	8,849 61	
Miscellaneous receipts	3,297 89	
From appropriation authorized by the twelfth section of the act of 3d March, 1847, viz: from 3d March, 1847, to 30th June, 1852	1,065,555 55	
From appropriation authorized by eighth section of the act of March, 1851	663,888 89	
From appropriation for census mails authorized by seventeenth section of the act of 23d May, 1850	12,000 00	
	$6,925,971 28	
From this sum must be deducted the amount payable to the British Post Office under the postal convention of December, 1848, as now estimated from statement of the Auditor	101,988 59	

The receipts from postage, American and foreign, for the last fiscal year were less by $1,388,334 43 than for the preceding fiscal year, being a decrease of about 22 per cent. If the estimated balances accruing to the British post office for each year are excluded for the purpose of showing the decrease of our own postages, that decrease will amount to $1,431,696 54, or about 22½ per cent.

This diminution in our postages is attributable to the reduction in the rates of postage made by the act of March 3d, 1851, which reduction took effect at the commencement of the last fiscal year.

This diminution of revenue is somewhat greater than was anticipated in this Department at the time it went into effect, and much greater than was expected by the sanguine advocates of cheap postage, many of whom sought the establishment of still lower rates.

Although the act referred to has not in its operation during the last year fulfilled the predictions of its friends by increasing the correspondence of the country in proportion to its reduction of postage, I should nevertheless question the expediency of a return to higher rates. All experience warrants the expectation that, as the community becomes accustomed to cheap postage, written correspondence will increase. From this cause, and from the rapid growth of the country in population and business, the receipts of the Department must ultimately exceed its expenses, and enable it to refund to the Treasury the sums advanced. In the mean time the appropriations made from the Treasury in aid of the Post Office Establishment may be deemed safe and beneficent investments for the advantage of the *whole people*, each one of whom, if not engaged in business correspondence, has a deep interest in the diffusion of intelligence and the promotion of social intercourse.

By the 8th section of the act of 31st August, 1852, the Postmaster General is authorized to provide and furnish to all postmasters and other persons applying and paying therefor, letter-envelopes with one or more postage stamps impressed thereon, to be used in the prepayment of postage. These envelopes are now in course of preparation, and will soon be for sale at the principal post offices.

As letters *inclosed in them* may be legally sent by private express or other private conveyance, there will remain no color of excuse for further violations of the laws in that respect. That the experiment of cheap postage may be fairly tried, it is important that the revenues of the Department be protected against this abuse, not only by the vigilance of its own agents, to whom the law has intrusted the power to *search for and seize such letters*, but also by public sentiment and by the active exertions of the intelligent and influential portion of the community. It is by thus securing to this Department the receipts which the law has assigned for its support that the period can be hastened when it will again be sustained by its own proper revenues, and the common Treasury of the country relieved from further advances for its service.

The expenditures of the Department during the last fiscal year were as follows:

For the transportation of the mails	$4,225,311 28	
Ship, steamboat, and way letters	24,587 94	
Compensation to postmasters	1,296,765 50	
Extra compensation to do., under act of 3d March, 1851	456,594 84	
Wrapping paper	41,046 12	
Office furniture	7,890 77	
Advertising	63,157 12	
Mail-bags	41,946 50	
Blanks	53,861 83	
Mail locks and keys and stamps	11,984 64	
New mail locks and keys	18,756 97	
Mail depredations and special agents	35,197 82	
Clerks for offices, (offices of postmasters)	548,916 71	
Publishing post office laws and regulations	2,900 00	
Repayment of money found in dead letters	82 61	
Postage stamps	9,920 03	
Postage stamps redeemed	3,209 35	
Stamps of the old issue returned to the Department	8,229 20	
Official letters received by postmasters	582 89	
Payments to letter-carriers	104,355 92	
Miscellaneous payments	152,561 00	
	$7,108,459 04	

The new contracts for the middle section, made under the letting in February last, embracing the States of Maryland, Delaware, Pennsylvania, and Ohio, increased the annual transportation in those States, from the first day of July last, 310,959 miles, at an increased annual cost of $148,705 over the transportation and cost under the contracts which expired on the 30th day of June, 1852, being an increase of about 3 per cent. in service and 21½ per cent. in annual cost.

The expenditures for the present fiscal year are estimated as follows:

The annual cost of transportation, (foreign and inland,) as authorized and under contract at the close of the last fiscal year	$4,584,946 00
Additional cost in the middle section, under new contracts which went into effect July 1st, 1852	148,705 00
Increased cost of transportation, under order of the Postmaster General, for the improvement and extension of mail service, and the increased expedition of the mails	93,584 98
Probable cost of putting into operation for the residue of the fiscal year such new routes established during the last session of Congress as should be put in operation before 1st July next	650,000 00
Expenses, under the heads of compensation to postmasters, wrapping paper, office furniture, advertising, mail-bags, blanks, mail locks and keys, stamps, mail depredations and special agents, clerks for offices of postmasters, and miscellaneous items, being the expenses of last year and twelve and a half per cent. added; such expenses necessarily increasing with the extension of mail service, and the increase in the number of post	

offices, and in the quantity of mail matter transported	3,243,541 20
Probable cost of postage stamps and envelopes	25,000 00
	$8,745,777 20

To meet these expenditures of the Department for the present fiscal year, it has, under existing laws, resources which it is estimated will produce the following sums, to wit:

1st. The available balance at the credit of the revenues of the Department on the 1st day of July last, stated by the Auditor to be	$566,632 57
2d. Receipts from postage, (foreign and inland,) deducting estimated balances due to foreign Governments	5,651,158 26
3d. Annual appropriation made by the 12th section of the act of 3d March, 1847, in compensation for mail service performed for the various departments of the Government	200,000 00
4th. Annual appropriations made by the 8th section of the act of 3d March, 1851, "in further payment and compensation for mail service performed for the two Houses of Congress and other departments and offices of Government in the transportation of free matter"	500,000 00
5th. Contingent appropriation made by the 9th section of the act of the 3d of March, 1851.	500,000 00
	$7,417,790 83

The above aggregate deducted from the estimated amount of expenses for the current year, leaves a deficit of $1,327,986 37 to be provided for by direct appropriation from the Treasury.

A further and larger appropriation will probably be necessary to meet the deficiency in the revenue of the fiscal year commencing on the first of July next. An estimate of this deficiency, and of that of the current fiscal year, as here set forth, will be submitted to Congress.

The negotiations for increased expedition on the great mail line between New York and New Orleans, which were in progress at the date of the last annual report from this Department, were brought to a favorable conclusion in time to commence the improved service on the first of March last. By this arrangement the time required for the regular transportation of the mail from New York to New Orleans was reduced twenty-four hours, and from New Orleans to New York thirty-eight hours. Additional trains were so arranged on different parts of the route as to render failures of connection less frequent, and shorten the delay from twenty-four to twelve hours, in cases where the connection was unavoidably broken. Certainty and celerity on this line cannot be relied on while the service on an important link in the chain of routes composing it is performed in steamers, on the stormy and unsheltered coast between Wilmington and Charleston.

The completion of the Wilmington and Manchester Railroad during the next year will, it is believed, enable the Department to avoid this uncertain portion of the present line.

The service between New York and Washington, though much improved by the arrangements referred to, is still defective and unsatisfactory. The endeavors of this Department to improve this service have been rendered abortive by a want of unity among the railroad companies interested in the line, and a spirit of accommodation on the part of the companies running between Philadelphia and New York.

There being no competing lines or modes of conveyance by which this Department can secure connections and otherwise facilitate the transportation of the mails between Washington and New York, it is compelled to accept such independent service as each company on the line will consent to render, and is thus made powerless to enforce the demands of the public. I would respectfully suggest that if Congress, in the exercise of its power over the establishment of post roads, can remedy this evil, the subject is worthy of the early attention of that body.

A new compilation of laws relating to this Department, and of amended regulations adopted for enforcing them, for the guidance of its officers and the conduct of its business, was in course of preparation at the date of the last annual report from this Department. It has since been perfected, and published by my predecessor, and distributed to the several postmasters, and copies sent to the members of both Houses of Congress.

It appears from the report of the Auditor for this Department, hereto annexed, that the whole amount of postages, inland, sea, and foreign, on letters and other mailable matter received and sent by the several lines of United States steamers, during the last fiscal year, was as follows, viz:

By Collins line, New York and Liverpool	$228,867 61
By New York and Bremen line, touching at Southampton, England	77,219 87
By New York and Havre line, touching at Cowes	80,804 08
By Charleston and Havana line	11,958 99

The postal arrangements with Canada and New Brunswick have been in successful operation during the year, and have been found convenient and useful. The amount of postage on letters sent from the United States to Canada was—

Unpaid	$31,034 66	
Paid	24,707 31	
		$55,741 97
On letters *received*—		
Unpaid	$25,377 08	
Paid	22,144 60	
		$47,521 68

The amount of postage on letters *sent* from the United States to New Brunswick was—

Unpaid	$2,356 38	
Paid	2,778 71	
		$5,135 09
On letters received—		
Unpaid	$1,784 07	
Paid	1,893 40	
		$3,677 47

Congress having, by the 2d section of an act approved 21st August, 1852, authorized the Postmaster General, upon certain conditions, to enter into contract for the transportation of the mail by steamers plying between Boston and Halifax, a postal arrangement is now in process of completion with the Province of Nova Scotia, by which the postage on this route will be the same as is now paid by the way of New Brunswick.

In pursuance of the requirements of an act approved August 30, 1852, advertisements have been published for proposals for mail service by ocean steamers between New Orleans and Vera Cruz via Tampico, embracing also (for the purpose of obtaining information) an extension of the service to Acapulco, and thence to San Francisco. These proposals are to be opened, and a decision made on such portions of them as are authorized by said act, (that is, for service from New Orleans to Vera Cruz,) on the 3d of January next. The Department will of course await the directions of Congress after the information is obtained as to the remainder of the route.

By the 11th section of an act approved August 31, 1852, provision is made for daily mail service, by suitable and safe steamers, between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans.

It is deemed important not only to the cities enumerated, and to the intermediate places on the rivers to be covered by this service, but due also to the great and increasing West that these lines should be so established as fully to secure the object contemplated, to wit, a certain, regular, safe, and reliable daily service on these several routes.

The relative position of the western section of our Union, its present importance, and prospective greatness, alike demand that its people should be provided with the best postal facilities that the Department can supply. To accomplish this, it has sought information from various sources as to the requirements of the service, and will soon advertise for such as will, it is believed, fully carry into effect the intention of the act, and meet the just demands of that interesting section of our country.

With the last annual report from this Department were published interesting tabular statements of the extent and increase of its business at the several periods of five years from 1790 to 1835, inclusive, and for each year from 1840 to 1851, inclusive. The extent and cost of steamboat and railroad service were not *separately* given in those statements, nor have they been so contained in any published report from the Department prior to 1848. Since that time, however, in the annual exhibit from the Contract Office of the mail service in operation at the close of each fiscal year, the two kinds of service have been separated. As the annual increase of both kinds in extent and cost strikingly illustrates the steady and rapid growth of our country, I submit the following statement of the extent and cost of each at the close of each fiscal year from 1848 to 1852, inclusive:

	1848.	1849.	1850.
Miles of steamboat service	4,385,800	4,083,976	4,109,981
Miles of railroad service	4,327,400	4,861,177	6,594,593
Annual cost of steamboat service	$262,019	$278, 650	$313,943
Annual cost railroad service	584,192	635,740	818,227
Total	$846,211	$914,390	$1,132,170

	1851.	1852.
Miles of steamboat service	5,454,982	6,853,409
Miles of railroad service	8,568,707	11,069,768
Annual cost of steamboat service	$454,892	$505,815
Annual cost of railroad service	985,019	1,275,520
Total	$1,439,911	$1,781,335

By the third section of the act approved August 31, 1852, making appropriations for the service of this Department, it is provided that the salaries of all route-agents be increased to one thousand dollars per annum.

The effect of this provision is to give the same compensation to each one of these agents, without reference to the amount of service rendered by them respectively, and it takes from the Postmaster General the power of adjusting their pay according to the labor and responsibility of the service performed by them. It operates unequally, and, with the present amount of railroad service, has increased the cost of transporting the mails more than $50,000. I respectfully recommend the repeal of this provision, and that the Postmaster General be authorized to graduate these salaries according to the service performed.

The contractor on the route from Salt Lake City to Sacramento, in California, never having performed efficient service on that route, this Department has entered into an arrangement with another contractor, who binds himself not only to perform the service as originally required, but also to establish and maintain a fortified post or station at Carson's Valley, which will, it is expected, increase the security of the mails, and afford protection to the numerous emigrant trains on their journey to California.

Since the last annual report from this Department the Collins line of steamers has continued its service between New York and Liverpool, according to an arrangement then existing, by which weekly trips in American steamers were secured between these two countries. The ships of this line have preserved their early reputation for unrivaled speed and sea-worthiness. Their departures have been punctual, and they have performed their voyages with great regularity. The company has kept a spare ship in port ready to replace any one which might be temporarily disabled or withdrawn for repairs, and has in other respects manifested a disposition to perform the service in a creditable manner.

By the act of August 31, 1852, this Department was authorized to make an arrangement with the Ocean Steam Navigation Company for one additional trip on the Havre line, and one additional trip on the Bremen line, until the expiration of their existing contract, and also in its discretion to negotiate for the change of the Havre line from Havre to Antwerp. Owing, as is stated by the proprietors of those lines, to the inadequacy of the remuneration received for their present service, they are unwilling to extend it, either by increasing the number of their trips, or adding to the length of their voyages. They complain that while the Collins line receives $33,000 a trip, the Havre line receives only $12,500, and the Bremen line only $16,666, for service, in the latter case, more arduous in its nature, and over a longer route. They ask that such remuneration may be given them as will justify their increasing the number of their ships, and thus enable them not only to meet the requirements of the service by changing the terminus of their route from Havre to Antwerp, but also perform such additional trips as may be desired.

As an inducement for this increase of pay, they show that in addition to their having performed their mail service as efficiently as could be expected with the limited means allowed them, the exports from Germany to this country have increased since they commenced running from $3,000,000 to $10,000,000; that the number of emigrants is increasing, and the gross sum which they at present bring to this country amounts to $15,000,000 annually. It was for this object—for the purpose of extending our intercourse and increasing our mercantile relations with Germany—that this line was established. The results have equaled the expectations of its friends, and it now remains for Congress to decide whether the necessary aid shall be extended, or whether we shall abandon to the English the profits of our increasing trade with the advantages that flow from it.

Semi-monthly ocean service, as last reported from this Department, was continued between New York and California and Oregon until July last, when, under authority of a provision contained in the naval appropriation act of March 3d, 1851, the running of the mail steamers on the New York, Havana, New Orleans, and Chagres lines was rearranged, so as to afford a more direct dispatch of the mails to and from the Pacific. This service is now divided into three distinct lines, viz: from New York and New Orleans to Aspinwall, both direct; and from New York by Havana to New Orleans. This change is made with the assent of the Secretary of the Navy, on the application of the contractors, and with the understanding that the Government is not responsible for any additional expense involved in it. The former arrangement may be restored at the desire of either party on one month's notice.

The convention between this Department and the Post Office Department of Prussia, which at the date of the last annual report from the Postmaster General remained unexecuted, has since been concluded, and went into operation in October last. This convention provides for a closed mail to be dispatched in each direction between the United States and Prussia regularly *twice* a week, via London and Ostend. New York and Boston are the offices of exchange on the part of the United States, and Aix-la-Chapelle is the corresponding office of exchange on the part of Prussia.

By this convention a uniform postage rate of thirty cents—prepayment of which is optional in either country—is established for all letters not exceeding half an ounce in weight between the two countries. Six cents is the rate established for each newspaper, to be prepaid. This convention also provides for the transmission of mails, not only through Germany, but also through the United States to countries beyond, and has induced this Department to discontinue the closed mail to Bremen. It is estimated that the countries (including the German Austrian Postal Union) which are thus brought into postal communication with the United States, embrace a population of seventy millions.

As a necessary consequence of our convention with Prussia, the larger part of the continental correspondence which formerly went by the way of Bremen is now sent via London, Ostend, and Aix-la-Chapelle, the latter being the more expeditious route. The mails for Bremen, however, and such as may be addressed via Bremen to other German States, and countries beyond, will continue to be dispatched monthly by the New York and Bremen line.

A *projet* of a postal convention between the United States and Belgium has been prepared and submitted by this Department for approval to the Belgian Government, and it is confidently expected that in the course of a few months at furthest an arrangement which shall be mutually advantageous will be duly sanctioned and put in operation.

Our postal convention with Great Britain has not yet been so modified as to admit of the exchange of a closed mail with France via England; the British Government, with reference to such mail, still insisting on a transit postage of twenty-four cents an ounce.

France has manifested a disposition for improved mail facilities with this country, and has made proposals for a postal treaty with the United States, to operate independently of our treaty with Great Britain. How far the negotiations on this subject have progressed I am not at present prepared to state. It is hoped, however, that they may be conducted to a favorable issue at an early day. Connected with this project, France proposes, in conjunction with the United States, to establish a union line of mail steamships direct between New York and Havre.

Under our postal treaty with Great Britain additional articles have been agreed upon, and are ready for signature, providing for a regular mail arrangement between the United States and the West Indies generally, and points on the coast of Mexico and northern coast of South America, at which the British mail packets touch. To the British West Indies the United States single rate of letter postage, which must be prepaid on letters sent from and collected on letters received in the United States, will be ten cents, where the distance from the mailing office is under 2,500 miles, and twenty cents where the distance exceeds 2,500 miles. To the West Indies, (not British,) Mexico and South America, by this channel, the British postage of twenty-four cents the single rate, also required to be prepaid, must be added to the ten or twenty cents United States rate, according to distance as above. This arrangement it is expected will go into effect without delay.

In accordance with the wishes of the Hawaiian Government, arrangements have been made by which letters for the Sandwich Islands are dispatched in sealed packets by each mail steamer from New York, and conveyed through to Honolulu without being opened. On all letters and newspapers for these Islands, however, as well as to China, by this route, it is required that the United States postage to San Francisco be prepaid.

The act of March 3, 1851, "to reduce and modify the rates of postage in the United States and for other purposes," authorized the Postmaster General to allow increased commissions to postmasters whose labors had been increased and their commissions reduced by the operation of that act. The maximum allowance thus authorized was twenty per cent. added to the amount of commissions received for the fiscal year ended June 30, 1851. In the exercise of the authority thus granted, the late Postmaster General issued an order on the 29th of October, 1851, allowing increased commissions to all postmasters entitled thereto, varying from ten to twenty per cent., according to the gross receipts of their offices. This order applied to the settlement of the accounts for the fiscal year 1852, and reserved the rate of allowance to be made thereafter "for future consideration, after accounts for the first three quarters of that year should have been adjusted by the Auditor." When the result of this adjustment was reported to him, the late Postmaster General issued the following order, which is now in force:

POST OFFICE DEPARTMENT, *August* 7, 1852.

The Postmaster General being satisfied that the labors of postmasters have been so increased with the increasing business of the country, and by the operations of the act "to reduce and modify the rates of postage in the United States, and for other purposes," approved March 3, 1851, that the highest additional allowance of commissions authorized by the sixth section of that act will not afford them more than a reasonable compensation for such increased labors, it is

Ordered, That (with the restrictions and limitations hereinafter mentioned) the Auditor of the Treasury for the Post Office Department, in settling the accounts of postmasters for the fiscal year ending 30th of June, 1853, and for each succeeding year until otherwise ordered, shall, upon satisfactory proof being furnished him by affidavit, or otherwise, that the labors of any postmaster have been increased, and his commissions reduced, as provided for by said act, allow and credit such postmaster the same amount of commissions allowed at his office for the fiscal year ended the 30th of June, 1851, with twenty per cent. thereon added thereto.

Provided, however, That the commissions to be allowed at any post office (other than a distributing office) shall not exceed the postages collected at such office during the period for which such allowance is made: *And provided further*, That there shall not be allowed at any office where the compensation of the postmaster is by law limited to a fixed annual salary, or compensation, any greater sum than shall be required to pay such salary or compensation, and the actual and necessary expenses of his office.

N. K. HALL, *Postmaster General.*

It will be perceived that this order makes it necessary, in the settlement of each postmaster's quarterly account, to compare the current business of his office with that of the corresponding quarter of the year 1851, and that his commission account for each quarter must remain unsettled until the end of the year, that the aggregate commissions accruing may be compared with the commissions allowed for that year. The effect of this in delaying and embarrassing the settlement of accounts in the Auditor's office, and increasing the labor of such settlement, is fully shown in the following letter from the Auditor, who recommends a repeal of the provision requiring this mode of settlement, and a return to the old system of uniform rates of commission on the amount of postages collected. I concur in his recommendation, both as to the repeal of the existing law, and the rates of commission to be allowed:

AUDITOR'S OFFICE, P. O. D., *November* 19, 1852.

SIR: It is found in practice that the acts of Congress respecting the allowance of additional commissions to postmasters are extremely inconvenient and burdensome to this office. The sixth section of the act entitled "An act to reduce and modify the rates of postage," &c., approved March 3, 1851, provides, "That to any postmaster whose commissions may be reduced below the amount allowed at his office for the year ending the 30th of June, 1851, and whose labors may be increased, the Postmaster General shall be authorized in his discretion to allow such additional commissions as he may deem just and proper; provided that the whole amount of commissions allowed such postmaster during any fiscal year shall not exceed by more than twenty per centum the amount of commissions at such office for the year ending the 30th day of June, 1851."

And the ninth section of the act entitled "An act to establish certain post roads, and for other purposes," approved August 31st, 1852, provides, "that the Auditor of the Treasury for the Post Office Department may, under such regulations and restrictions as the Postmaster General may prescribe, allow to every postmaster whose office was not established until after the 1st day of July, 1850, or whose commissions, in consequence of the increase of labor and business of his office, shall have equaled or exceeded the commissions allowed at such office for the year ending on the 30th day of June, 1851, such compensation in addition to his legal commissions as will, in the judgment of such Auditor, make the compensation of such postmaster equal, as near as may be, to the compensation of other postmasters in the same section of the country whose labors are the same as his, and who are entitled to additional allowance under the sixth section of the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' approved March 3, 1851, and under orders of the Postmaster General, made in pursuance of the provisions of the said sixth section of the act aforesaid."

To entitle a postmaster to additional commissions under these laws, it must satisfactorily appear, first, that by their enactment and operation the labors of his office have been increased, and that his commissions have been reduced below the amount allowed for the fiscal year that ended on the 30th of June, 1851; or, secondly, that his "office was not established until after the 1st day of July, 1850." &c. If these facts are sufficiently shown, additional commission at different rates is, according to the present practice, allowed as follows:

1. Where the commissions of the postmaster for the year ending June 30, 1851, did not exceed $50, the same amount of commissions which was allowed for that year, with twenty per cent. added thereto, is allowed him.

2. Where they exceeded $50, but did not exceed $100, the same amount with fifteen per cent. added thereto is allowed.

3. Where they exceeded $100, but not $500, the same amount with twelve and a half per cent. added thereto, is allowed.

4. Where they exceeded $500, the same amount, with ten per cent. added thereto, is allowed; but the commissions allowed to any postmaster (other than at a distributing office) are not permitted to exceed the postages collected at his office during the period for which the allowance is made.

5. Where the office was not established until after the 1st day of July, 1850, &c., such compensation, in addition to his legal commissions, is allowed the postmaster as will make his compensation equal, as near as may be, to the compensation of other postmasters in the same section of the country, &c.

These various contingencies and conditions cannot be determined until the accounts for an entire fiscal year are adjusted. Commissions are therefore computed by postmasters, in their quarterly accounts, mainly according to the old rates of allowance. And the adjustment of additional commissions has become, as it were, a separate business, superadded to the adjustment of quarterly accounts, and is devolved exclusively upon this office. First, it audits and adjusts the quarterly accounts of some twenty thousand postmasters, and then, as the additional commissions are dependent for their allowance upon no uniform rule, operating equally and applicable alike to all postmasters, but upon the facts of each particular case; it has, at the end of a fiscal year, to reëxamine those twenty thousand accounts to see which of them are entitled, and in what proportions, to said additional compensation. Postmasters, meanwhile, not knowing what additional allowances may be made them, are unable to determine how much they owe the Department at the end of each quarter and at the close of the year. Their accounts and the post office accounts necessarily disagree; and by consequence some pay too much, others not enough, and others, again, excuse themselves from any payment.

Furthermore, these disagreements produce confusion and perplexity in settlements, retard collections, and require, in explanation and removal of the difficulties they create, a correspondence beyond the ability of this officer to conduct with requisite promptness; and although the most strenuous exertions are made, with an insufficient force, to meet and respond to the additional demands thus made upon the office, postmasters complain, and with apparent reason, that their letters are not duly answered.

Another evil is, that the additional labor thus thrown upon the office has interrupted and retarded its current and general business to a degree that calls for immediate relief, and I have no hesitation in saying that it is impracticable to continue to adjust commissions in the manner at present required to comply with the law. The only effectual remedy for these evils is the adoption of the old system of uniform rates of percentage upon the proceeds of offices, depending on no condition or discretion; and I would respectfully suggest the following as a scale of rates that should be adopted and tried, viz:

Say, for an office collecting postage to the amount of			$3,000 00
Allow on $100, 50 per cent. commission		$50 00	
300, 40	do	do 120 00	
2,000, 33⅓	do	do 666 66	
600, 12½	do	do 75 00	
			911 66
The present rates are as follows:			
On $100, 40 per cent. commission		$40 00	
On 300, 33⅓	do	do 100 00	
On 2,000, 30	do	do 600 00	
On 600, 12½	do	do 75 00	
			815 00
Difference			96 66

I also think that a postmaster should be entitled to a small compensation, say to the amount of 2 mills (or about 2½ cents per quarter for a weekly paper) for delivering from his office to a subscriber each newspaper not now chargeable with postage.

I have the honor to be, very respectfully, your obedient servant, J. W. FARRELLY, *Auditor.*

Hon. S. D. Hubbard, *Postmaster General.*

The attention of Congress should, I think, be called to the fact, that although the 6th and 7th sections of the act of 3d March, 1851, before referred to, provide that neither the compensation of postmasters nor the ordinary extension of mail service should be diminished in consequence of any diminution of the revenues resulting from that act, no provision was made for the protection of the rights and interests of a large class of persons employed as contractors on special routes, and as mail messengers, whose compensation depends upon the amount received from postages at the offices supplied by them.

There are not less than twenty-five hundred persons employed in carrying the mail for the net proceeds of the offices supplied—limited, however, in every case to a certain sum equal to that paid for similar service on public routes in the same section.

On a few of these special routes the amount collected is more than sufficient to pay the contractor, and considerable balances remain to be applied to the ordinary expenses of the Department, but on a large portion of them the amount received even under the *old* rates of postage was insufficient to pay the compensation allowable for his service. Upon this class of contractors the reduction of postages operated with great hardship, and every additional allowance to the Postmaster has still further diminished the fund which alone can be applied to the payment of the contractor.

On the 25th of March last, the Senate adopted a resolution, by which the Postmaster General was requested to embody in his next annual report answers to numerous questions embraced in the resolution, relating to the business of this Department, and its receipts and expenditures, under various enumerated heads, for the fiscal year ending 30th June, 1852.

Much of the information sought by these questions could not be furnished in the form desired from the accounts ordinarily rendered by postmasters, nor from the books of the Auditor's office, in which the accounts of this Department are kept. Neither could it be furnished with perfect accuracy for the whole year in any other mode than by prescribing to postmasters, before the commencement of the year, a new form of accounts to be kept for this object, in addition to those now required from them; and, as nearly three months of the year had elapsed before the passage of the resolution, it was obviously impossible to overcome this difficulty.

Desirous, however, to comply as far as possible with the request of the Senate, the late Postmaster General referred the resolution to the Auditor for this Department, immediately on its receipt, and desired him to adopt such means as remained in his power for collecting the information called for.

By corresponding with postmasters at the principal offices, and from the accounts returned to his office for settlement, the Auditor has made (in cases where perfect accuracy could not be attained) estimates which are deemed reliable, and has thus been enabled to furnish, in his annexed report, answers to most of the questions referred to.

The whole number of paid and unpaid letters which have passed through the post offices of the United States during the last fiscal year was			95,790,524
Of those passing to and from places in the United States, exclusive of California and Oregon, there were unpaid			32,672,765
Do.	do.	do paid by money	18,448,510
Do.	do.	do paid by stamps	31,897,750
Do.	do.	do free	3,146,000
There were conveyed by European steamers			4,421,547
Do.	by Havana steamers		99,372
Do.	by California steamers		1,495,537
Number of dead letters unpaid			2,635,909
Do.	of dead letters paid		444,091
Number of newspapers and other packages of printed matter *chargeable with postage*			87,710,490
Number of exchange newspapers			7,073,548
Newspapers circulated free within the counties where published, estimated			20,000,000
Number of letters conveyed by Cunard line of European steamers			2,758,096
Do.	do.	do by Collins line	963,692
Do.	do.	do by Bremen line	354,470
Do.	do.	do by Havre line	345,287
Amount of postages collected from Collins and Cunard lines			$794,440 58
Of which was collected in the United States		$468,615 98	
Do.	do.	in Great Britain 325,824 60	
Number of dead letters returned to Great Britain			124,548
Of which 21,589 were paid and 102,959 unpaid.			
Amount due the United States thereon			13,541 52
Number of dead letters received from Great Britain			38,505
Of which 9,860 were paid and 28,645 unpaid.			
Amount due Great Britain thereon			$1,815 65
Number of dead letters returned to Bremen			3,801
Number of dead letters received from do.			2,587

In his last annual report my predecessor in office suggested that it should be earnestly and urgently recommended to Congress to take immediate and effectual measures for the extension of the west wing of the building occupied by this Department, or for the erection of its north front according to the original plan.

It would seem unnecessary for me to say that the reasons then urged for an enlargement of the building have become more imperative. Important papers are accumulating in the unsafe rooms over the city post office, to which it became necessary to remove a part of the force of the Auditor's office in consequence of the crowded state of the rooms in the main building. More room, too, is required for the accommodation of the city post office, and it can only be provided by the proposed enlargement.

When it is considered that much time must be consumed before the additional structure can be completed, and that in the mean time the existing evil will continue to increase, I cannot doubt that Congress will take immediate action in the matter when the attention of that body shall be directed to it.

I think it proper to state in connection with this subject that, owing to injudicious construction of the chimneys in the Post Office Building, the Department has been subjected to great expense in fruitless attempts to warm the several rooms without the diffusion of gas and smoke. I respectfully suggest that it would not only conduce greatly to the relief and comfort of the officers employed in the building to have it warmed by means of hot water or steam pipes, but that this method would also prove, it is believed, much less expensive than the present one, and that the cost of introducing it would be soon reimbursed by the consequent saving in fuel.

The grand jury of Philadelphia have presented the rooms occupied as a post office in that city, and ascribe the numerous charges which are made against it to the deficiencies of the building, rather than to any want of diligence and attention to their duties on the part of its officers. This Department does not feel itself justified, even if it possessed the power, to erect a new office, but, while it recommends, respectfully, leaves it to Congress to supply the remedy.

At the last session of Congress a resolution was introduced, but not acted on, authorizing the Postmaster General to allow at his discretion a sum not exceeding $20,000 to the contractors for carrying the mail between this city and Richmond, and thus enable them to keep in operation the ice-boats necessary to secure certainty and prevent delay in the transportation of the mails on that route. I respectfully ask that the attention of Congress be called to this resolution, and that its passage be recommended.

This Department has received, through the medium of the Hon. Abbott Lawrence, late Minister to England, the proceeding of an association formed in London for the purpose of promoting a cheap and uniform system of international postage. The object aimed at by this association is very desirable, and well worthy of the attention of this Government; but in the imperfect state of our foreign postal arrangements I deem it inexpedient to enter at present on any new experiment.

In conclusion, I desire to express my obligations to my predecessor, the Hon. N. K. Hall, for the aid he has afforded me in compiling this report. The statistics he had in preparation, and the method he had established in the Department, have materially assisted me in the discharge of my duties.

I would respectfully recommend that a statistical and historical sketch of this Department, which he submitted to the Post Office Committees of Congress, be continued, as a valuable work of reference.

The industry and attention to their laborious duties exhibited by the Assistant Postmaster General, the Chief Clerk, and the other Clerks of this Department, demand my thanks, which are gratefully rendered.

I have the honor to be, your obedient servant,

S. D. HUBBARD,
Postmaster General.

To the President.

MODIFICATION OF THE TARIFF.

SPEECH OF HON. BENJ. STANTON,

OF OHIO,

In the House of Representatives,

December 14, 1852,

On the Tariff question; delivered in the Committee of the Whole, on the motion to refer the President's Annual Message to the several committees.

Mr. STANTON, of Ohio, said:

Mr. Chairman: So long as this discussion was confined to the revenue aspect of the tariff, I was not disposed to participate in it. But since it has been so extended as to include its effects upon the industrial interests of the country, I feel disposed, as a representative of a grain-growing, agricultural district, to give my views upon it. I feel the more inclined to do this, for the reason that some gentlemen on this side of the House have advanced doctrines against which I wish to enter my protest.

The gentleman from New York, [Mr. Brooks,] on the first presentation of this subject, incorporated in his published remarks a *project* of a bill, indicating the modifications he desired to make in the tariff of 1846. One of these was the admission of wool, costing not more than ten cents per pound, at the place of production, duty free.

The gentleman from Massachusetts, [Mr. Duncan,] in his remarks the other day, proposed to abolish the duty on coarse wool and flax. I do not know that flax is extensively produced in this country. But I do not see why it is not as well adapted to the soil and climate of this country as any other; and I suppose it will be produced whenever the demand will justify.

As to coarse wool, I know it is said that the description of wool sought to be exempted from duty is not produced in this country, and that the wool-growers of this country will not be affected by abolishing the duty. It is impossible to determine with any certainty what quality of wool may be produced at ten cents per pound in the temperate climate, and upon the wild lands of South America, where it costs nothing but the labor of shearing. I can see no reason why fine sheep may not be introduced there, that would produce a fair quality of wool at a low price, for many years, before the climate would deteriorate it to the lowest grade of wool that is in use.

But my information is, that the coarse wool that is now imported is so mixed with dirt when imported that it loses from twenty-five to fifty per cent. in weight in the process of cleansing before it is fit for use. So that while it may in fact not be worth more than ten cents per pound at the place of production, in the condition in which it is

imported, yet it may be worth from fifteen to twenty cents when it is cleansed and prepared for the manufacturer.

But aside from these considerations, there is the risk of false invoices and custom-house oaths, under which my friends from New York [Mr. BROOKS] and Massachusetts [Mr. DUNCAN] tell me immense frauds are constantly perpetrated. And this is a difficulty that I see no way of avoiding, as the quality to be imported free of duty must be determined by a foreign valuation, as I do not understand that anybody proposes to substitute a custom-house valuation in this country for the foreign valuation now in use. The wool growing interest is now one of the largest and most important in the country, and cannot be sacrificed or placed in jeopardy for any real or imaginary benefit that is to result to the manufacturer. We will unite with you in imposing any duty on importations of woolen goods that may be necessary to enable you to sustain your manufacturers; but we cannot consent to sustain them by reducing the price of our products. The friends of protection have no more steadfast ally upon this floor than I am; but they cannot expect me to support a measure which strikes at one of the most important interests of the district which I represent.

The proposition before the committee is for an inquiry into the proper mode of reducing the revenue arising from the duties on imports to such an amount as will be only sufficient, with the revenue arising from other sources, to defray the expenses of the Government under an economical administration.

If the existing surplus with that which may hereafter accrue, could be applied to the improvement of the rivers and harbors of the country, and to other works of internal improvement, of a national character, I should be opposed to any reduction; or if the national debt was now redeemable, or the stocks of the Government could be purchased at a reasonable rate, or if a sinking fund could be created in such a manner as to be secure, and yield any reasonable profits, I should regard it as preferable to any diminution of the revenue. But assuming that no such disposition can or will be made of it, the question arises, How shall its accumulation be prevented?

Besides the effect which locking up so large a sum in the coffers of the Government may have upon the trade and business of the country, there are other objections to the accumulation of a large surplus, which have a controlling influence on my mind. The natural, necessary, and inevitable tendency of a continued surplus in the Treasury, is to beget profligate and extravagant expenditures. Public functionaries will be pressing for increased compensation; claimants upon the Government will be prompted to enlarge their demands; and new claims, hitherto unheard of, will be gotten up, and pressed upon Congress and the Executive Departments, by all the corrupt and corrupting appliances which avarice and cupidity can devise. Already a proposition is made to build mansion-houses for the Vice President and heads of Departments, and to furnish them, and provide them with lights and fuel, at the public expense.

Propositions are also pending, for additional compensation to some three or four additional lines of ocean mail steamers, based upon the precedent set at the last session, in the appropriation for the Collins line. And from all parts of the country there will come up a deafening horse-leech cry of "Give!" "Give!" If the evil consequences of this state of things did not extend beyond the loss of some twenty or thirty millions, of which the public Treasury will be plundered, it would not be a matter of so much importance.

But the tendency of such a state of things, to beget extravagance and profligacy in public and private expenditures, and to pervert the moral sense of public functionaries, must go far to impair and undermine republican institutions, and bring them into disgrace and contempt.

I have no sympathy with the clamor which I hear, about the sufferings of the office holders, on account of their inability to live upon the compensation now allowed by law. If any of the heads of Departments cannot live on $6,000 a year, it would, to my mind, furnish a very good reason for turning them out of office, but not for increasing their salaries.

The great mass of the people of the country, who pay the revenues from which the compensation of public functionaries is derived, live on a smaller annual income than is paid to the worst paid clerk in the public service. And I can see no reason why the hired servants of the people should be paid better than their masters.

A public functionary acquires no additional dignity or consequence in the estimation of any sensible man, at home or abroad, by clothing himself in "purple and fine linen," or attempting, in any manner, to ape the nobility or aristocracy of the old broken down despotisms of Europe. On the contrary, he brings upon himself and his country the ridicule and contempt of the very men whose footsteps he is so obsequiously following. The consideration and standing of the United States does not depend upon any matter of court etiquette or silly display, but upon the power and resources of the country, and the character of the people for honesty, intelligence, enterprise, and courage; upon their capacity to understand their rights, and upon the spirit and courage with which they are always ready to maintain them. Economy in public expenditures, and plainness and simplicity in public functionaries, is indispensable to the preservation of republican institutions.

For these reasons I am opposed to the accumulation of any considerable surplus in the public Treasury, and am prepared to go into the inquiry as to the best mode of preventing it. Two prominent modes of accomplishing this object are presented.

1st. By making a *pro rata* reduction of duties upon all imports that now pay duty.

2d. By abolishing entirely the duties upon sundry articles of import that do not come into competition with the productions of this country.

The first I understand to be the one generally advocated on the other side of the Hall, and the second is the one generally favored on this side. I know there are exceptions on both sides, and that there may be many who would make slight modifications in the terms of these propositions. But they define with sufficient certainty for the purpose which I have in view the position of the great body of the members upon this floor. I am ready to unite in such an adjustment of duties as will reduce the revenue arising from duties on imports; provided always that the protection now afforded to the industry of the country shall not be affected by the change. I admit that I am so far behind this progressive age as to be in favor of "protection for the sake of protection." In the adjustment of duties on imports, my primary object is protection; but I am willing to keep the effects of it upon the revenue in view as an incidental and secondary consideration. I speak for no one but myself, and no party nor no individual but myself is responsible for my opinions. I advocate protection to the manufacturer, not for his sake only or mainly, but because I wish to build up a consuming class that will create a market for the agricultural products of the country. I know that in a country of such vast extent, with a soil of such unequaled fertility, and a climate so various, that agriculture must, for generations to come, if not in all future time, be the great, leading, and paramount interest of the country.

In all our legislation, therefore, I look mainly to its effect upon agricultural pursuits. And I know that the farmer can never prosper without an adequate, certain, and uniform market for his products. And my settled conviction is, that a home market is better than a foreign, because it saves the expense of distant transportation for his heavy and bulky commodities, and is not affected by foreign wars, famines, or commercial revulsions.

I cannot perceive the wisdom of importing immense cargoes of railroad iron from Wales and England, and laying it down upon the banks of the Juniata, and the tributaries of the Alleghany, over the richest deposits of iron and coal that can be found in the universe, and sending the wheat raised upon the adjoining farms in New York and Pennsylvania, to Wales and England to pay for it. I think it would be better to bring the operatives from Wales and England to New York and Pennsylvania, where they would make just as much iron, and eat just as much wheat, as they now do, and save the expense of transportation both ways.

In short, I believe that reason and common sense teaches, and that all experience proves, that national and individual prosperity is best promoted and secured, by each nation producing by the labor of its own citizens, every commodity adapted to its soil and climate, which can be produced with as little labor at home as abroad. All history proves that where there is the greatest diversity of pursuits, and the most extensive exchange of commodities amongst the people of any country, there is always the largest accumulation of wealth, and the greatest national and individual prosperity.

On the other hand, where a nation devotes the labor of its entire population to a single pursuit, (and especially to agriculture,) the people are uniformly poor, and the nation feeble and defenseless. The reason is obvious. Raw agricultural products are extremely bulky and heavy in proportion to their value. Many of them will not bear transportation at all.

The timber of Minnesota and Wisconsin would be worth millions in the neighborhood of New York or Cincinnati, but is an incumbrance to the owner of the land, who has to destroy it at great labor and expense to bring his land into cultivation.

A bushel of wheat cannot be transported from the interior of Indiana or Illinois, to Liverpool, for less than sixty cents, and will sell for one dollar and twenty cents when it gets there, leaving the farmer sixty cents.

Thus for the leading staple of the Northwest, the cost of transportation is equal to the cost of production, and equal to fifty per cent. upon the selling price at the place of consumption.

On the other hand, a manufacturer in Manchester sends to Indiana or Illinois an equal weight of silks or other fine fabrics for about the same price, say sixty or seventy-five cents, and sells them for $1,200 or $1,500. The cost of transportation is nothing. And while the British manufacturer can send his fabrics to any part of the commercial world and sell them at five or ten per cent. advance upon the cost of production in Manchester or Leeds, the American farmer is confined to such commodities, and such markets as will pay transportation. No wonder John Bull is willing to pay liberally for teaching Brother Jonathan the mysteries of free trade.

If we were the sole producer of these agricultural products, and could command our own prices in foreign markets, we might, by demanding high prices for them, to some extent indemnify ourselves against the enormous expense of transportation.

But our farmers have to come into competition with the wheat-growers from Russia, Poland, the northern part of Germany, and other countries bordering upon the Baltic and Black seas. They can produce wheat as cheap or cheaper than we can, and are much closer to the market. We are therefore compelled to sell as cheap as they do, or not sell at all.

It must be obvious that such a trade as this is entirely one-sided, and that an agricultural country can stand no chance with a manufacturing country under unrestricted free trade. Hence, you find that the great centers of commerce are always in the manufacturing countries. Why is it that exchange is in favor of London against the whole commercial world? Because England is the great work-shop of the world, and exchanges her light and costly fabrics for the raw and bulky productions of other countries. It is not my intention, however, to discuss in detail, or at any considerable length, this doctrine of protection.

I desire, however, to notice one point made in the very able speech of the gentleman from South Carolina, [Mr. WOODWARD,] the other day.

His proposition is, that a permanent revenue tariff is impossible. That it is the difference between the cost of foreign and domestic production, that enables imports to pay duties. That this difference is constantly diminishing. That American skill is advancing. American profits are low-

ering. American economy is improving. Machinery—which makes everything now—the hands of man do but little—is as skillful in the United States as in England.

If there could be any doubt about the soundness of the gentleman's logic, his illustrations prove its correctness beyond controversy.

It is undoubtedly true, that the competition between foreign and domestic manufacturers, is constantly stimulating the enterprise and invention of our people, to introduce cheaper modes of production to such an extent, that even *ad valorem* duties, that are constantly diminishing with the diminished cost of imports, ultimately become prohibitory, and yield no revenue. But does it never occur to the gentleman, that while the revenues of the Government are diminishing, the people are gaining in the diminished cost of the commodities which they consume, and in the diversity of pursuits amongst our people, which makes them purchasers of each other's products, instead of rivals in the sale of the same commodity?

And while I admit that the gentleman's argument is sound, so far as it applies to the effect of the tariff upon the revenue, I think he must also admit that when the friends of protection use the same argument to show that commodities are ultimately reduced in price to the consumer by steady and uniform protection, that they are also correct.

In fact the gentleman's argument is a full and unequivocal admission of the proposition which the advocates of protection have been urging upon the country for thirty or forty years; that the ultimate effect of protection would be, to reduce the price of the protected article. This argument has heretofore been scoffed and jeered at, by the opponents of protection, as ridiculous and absurd. I am much gratified to find that it has secured the powerful support of so distinguished an advocate of free trade as the gentleman from South Carolina. The gentleman is not only right in his facts and conclusions, but he assigned the true reason for the constant depreciation in the price of protected imports.

It is American skill, industry, and interprise, stimulated by both foreign and domestic competition.

When there is no domestic product to come in competition with the dutiable import, this constant reduction does not take place; and if it did, it could not affect the revenue; because the lower the price, the larger will be the amount of the import, when there is no domestic product to come in competition with it, or supply any part of the demand.

But all this diminution in price, resulting from competition between domestic and foreign manufacturers, presupposes the existence of manufacturing establishments in this country. Yet it is very clear, and the history of manufactures in this country proves, that manufactures cannot be established at all, without some protection to counteract the effect of the difference between the wages of labor in this country and in Europe. The improvements in labor-saving machinery, skill, and economy, (which, as the gentleman supposes, will ultimately enable us to overcome entirely the difference in cost of labor, and manufacture as cheap as any other country,) is the result of long, painful, and dear-bought experience. This experience cannot be had until manufactures are established. And when established, they must be sustained long enough to give an opportunity for testing the various experiments and processes which may be necessary to ascertain what are the best and cheapest modes of production. And this is all that the friends of protection have ever asked. If they can have the aid of their Government as long as the inventor is guarantied the exclusive use of his invention, they will then be willing either to set competition at defiance, or abandon their business.

The gentleman from South Carolina says that when the fertile lands of the West are filled up, and the laborer cannot have them to fly to, to escape low wages, that we shall then manufacture the great mass of the productions that are now imported. In this, I have no doubt, he is correct also. And the great question for Congress and the country to decide is, whether we shall postpone the introduction of manufactures until we are driven to it, to find employment for our population at starving wages; or whether we shall encourage their introduction, by protecting them in their infancy, and by diversifying the pursuits of our people now, and by increasing the rewards of labor, postpone to some remote and distant day, if not forever, the time when labor shall be driven by want to seek employment at inadequate wages.

The gentleman from Pennsylvania [Mr. JONES] also anticipates the "good time coming," when ill-paid labor will secure low-priced products, and thereby destroy the revenue arising from duties on imports, and usher in the political millennium of free trade and direct taxation. There is no necessity for that close, intimate, and unrestrained commercial intercourse which carries with it *equality in the wages of labor;* and every one knows that a free and unrestrained exchange of the products of labor must of necessity ultimately result in an equality in the wages of labor. The reason why the wages of labor in this country have not yet been affected by our commercial relations with Europe is, first, because our immense wild lands furnish a better subsistence to the laborer than starving wages in a manufacturing establishment; and, second, because the American manufacturer has always been protected to some extent by duties on imports, which has enabled him to give better wages than is paid by European manufacturers; and whenever the duties have been so reduced that the manufacturer cannot give remunerating wages, the laborer has sought employment in other pursuits, such as clearing and cultivating the wild lands of the West, or in digging canals and making railroads.

The gentleman from South Carolina is looking forward to the time when the increase of population will be so great, and these sources of employment so far exhausted, that the supply of labor will exceed the demand, and that low wages will enable us to manufacture the great mass of the commodities which we now import.

Now, sir, I regard such a state of things as the greatest calamity that could befal this nation. And I believe it may be prevented for a period beyond which we cannot undertake to provide, if not indefinitely. To do this, we should multiply by proper and judicious laws the sources for the profitable employment of labor. Instead of confining the labor of the country to agriculture and public works, we should direct a portion of it to manufactures, and thereby increase the demand and enhance the price, so that the laborer may always find a liberal reward for his toil, and become a profitable customer both to the farmer and the manufacturer.

If I understood the gentleman from Illinois, [Mr. MOLONY,] he ridiculed the idea of creating a home market for the agricultural products of the country. He supposes that there cannot be a consuming population in this country that is capable of consuming all of its agricultural products. I am not aware that any advocate of protection has ever proposed to prevent the exportation of agricultural products. And I suppose the foreign demand will not be diminished by building up a home market. Europe buys our productions because she needs them, and not as a mere matter of accommodation. So long as her necessities continue, so long she will continue to buy from us, unless we have a better market at home and refuse to sell to her.

If we do not continue to sell to her it will be our own fault, and because we can do better at home, which I suppose will be no great calamity for us. It is no answer to this argument, to say that if we do not buy her manufactured products, that she cannot pay us for our commodities. Her population must be fed, and therefore must have employment. If we do not buy their iron, and woolen and cotton fabrics, they must sell them elsewhere for silks, tea and coffee, and such commodities as we do buy, or abandon to some extent their present pursuits, and engage in the production of such things as we do want, and exchange these with us for our products. Nor is it any answer to this to say, that if we do not buy their fabrics, that they will buy from other nations who will. They will always buy where they can buy cheapest. And if they can buy a bushel of German wheat now for $1 25, they will not give us $1 26. And so it will continue, whether we buy their fabrics or not. The creation of a home market, therefore, does not deprive us of the foreign, but creates an additional market, that of necessity enhances the price of our products. But I cannot see that there is any impossibility in creating a home market for all our agricultural products.

The farmers of the United States annually exchange their entire products for the productions of the industry of other persons, who are engaged in other pursuits.

I do not mean that they consume or destroy all they earn, but their profits and accumulations are not hoarded away in coin, but are reinvested in some product of the industry of others. Now, if the products for which a farmer exchanges his crops, are all the products of the labor of our own citizens, then it follows of necessity that the home market is sufficient. It is no matter whether the commodities which he buys are manufactured here, or in Europe; they will pay for the same amount of his products in the one case as in the other.

And it has always seemed to me that the farmer and manufacturer are both gainers by living close together, as they thereby save the expense of distant transportation. I presume no one is prepared now to say any thing definite as to the amount, that the duty should be either increased or diminished on any particular commodity.

But with others, I am prepared to state the principles by which I would be governed in adjusting the duties. In the first place, I would put up the duties on such articles as are produced in this country, to the highest revenue point. If that produced revenue enough, I would abolish the duties on everything else

If it raised more than was necessary, I would raise the duties a little higher on protected articles, so as to check imports and diminish the revenue. If it did not produce enough, I would levy the balance upon foreign luxuries, such as imported silks, liquors, and other articles consumed mainly by the rich, and not produced in this country. Further, I agree with the President's message, in substituting specific for *ad valorem* duties. I am opposed to *ad valorem* duties, not only on account of the facilities for fraud which they furnish, but because they create a sort of sliding scale against protection.

Thus, when railroad iron was selling at $70 per ton, and no protection was necessary, then your thirty per cent. *ad valorem* amounted to $21 per ton. But when it went down to $25 per ton, and your manufactures were broken down by foreign competition, your thirty per cent. amounted to only $7 50 per ton. Now, a specific duty of $15 per ton would probably yield more revenue, and afford ample protection, while the average cost of imported railroad iron would probably not exceed what it does under the thirty per cent. *ad valorem* duty.

But an *ad valorem* duty lacks uniformity and stability, which is the essential thing for a tariff for protection.

I understand the gentleman from Pennsylvania [Mr. JONES] to say, that he, as a representative of the iron manufacturers of that State, prefers *ad valorem* to specific duties. Well, sir, there is no accounting for tastes; and as I take it for granted that the gentleman from Pennsylvania understands the interest of his immediate constituents better than I do, I shall vote with him for retaining the *ad valorem* duty upon iron; unless indeed I should find that some of his colleagues who represent the same interests, should differ with him; and then I shall be compelled to exercise my own judgment.

Mr. JONES, of Pennsylvania. The gentleman did not understand me. I did not speak as the representative of the iron interest. I hope I was not so understood. I do not wish to be understood as representing the iron interest or any particular interest, as I am not authorized to speak in that capacity.

Mr. STANTON. Of course I take the disclaimer and explanation. I understood the gentleman to say that he was the representative of a district producing iron, and so far as his knowledge extended, that there were many intelligent

Whigs who do not want any change from *ad valorem* duties.

Mr. JONES. The gentleman misunderstood me. I stated that so far as my information extended, many intelligent Whigs had come to the conclusion that if they could secure stability, they would *acquiesce* in *ad valorem* duties—not that they *preferred* it—and make no further contest for specific.

Mr. STANTON. Just the very point I am making, that of necessity there can be no stability. Now, the gentleman says that if they can get stability they will be satisfied. You cannot get stability from the very nature of things. I understood the gentleman at the last session to propose, that the value of imported iron at the time of the passage of the tariff of 1846 should be ascertained, and we should then levy an *ad valorem* upon that valuation. That is practically a specific duty. It is not *ad valorem* at all. You may as well say that there shall be a duty of $20 or $25 per ton upon imported iron when it comes into market. Practically, it will be the same thing.

Mr. JONES. I had not an opportunity of being heard upon that occasion. I will state for the information of the gentleman, what I could not say at that time. I did not mean to say that the valuations should be fixed and stationary. My object was to get a valuation, to be made as nearly stationary as possible, by frequent appraisements, making it stationary for six or twelve months, in order, by taking averages, to get as near as possible to a condition of stability. Appraisements throughout the country should be made in different ports, and the appraisers should meet twice a year or oftener, and ascertain the average valuation, and for the sake of stability let that remain until the next meeting. In that point of view an arrangement of this kind might be satisfactory, though it was a mere suggestion to meet a certain contingency, if that should become necessary.

Mr. STANTON. If I understand the first proposition, it amounts to this: He proposes periodically to fix a specific duty through the instrumentality of appraisers; for this is substantially the gentleman's proposition. After all, it is a confession that your *ad valorems* are unstable and fluctuating, and cannot be relied upon as protective duties at all; and it is a confession of the soundness of the views of the President's message, that specific duties are preferable.

Mr. Chairman, I know it is claimed with great confidence that public opinion has been repeatedly expressed against protection at the ballot-box. I do not think so.

There are always so many elements entering into a presidential contest, that it is difficult to tell whether any, or if any, what principle or measure of public policy is approved by the election of one candidate, or the defeat of another.

Different issues are made in different sections of the country. In one part of the country a Democrat evades and slides round the tariff issue, and in another, a Whig does the same thing. But one thing I do know, and that is, that the whole Democratic party in this House have never "faced the music" fair and square upon this tariff question. There seems to be a manifest reluctance from some quarters to risk an appeal to the people upon the naked and direct question of protection or free trade. And it is my solemn conviction that if you could take the verdict of the people upon this question alone, upon full and fair discussion, that a majority would be found in favor of the principle of protection I know that it is so connected and identified with party politics, that we can hardly expect any fixed settled policy upon the subject.

What is done by one party when it is in power, is almost certain to be undone by the other so soon as it obtains power. However pernicious and deplorable such a state of things may be, it seems nevertheless to be unavoidable. And the only hope seems to me to be, that the progress and improvement that is making in labor-saving machinery, may enable many branches of manufactures to dispense to so great an extent with manual labor, that they may be able to live and sustain themselves by the aid of such little snatches of incidental protection as they may get under a Democratic tariff, and such honest, old-fashioned protection as they may occasionally get under Whig rule.

MODIFICATION OF THE TARIFF.

SPEECH OF HON. J. GLANCY JONES,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

December 13, 1852,

On the Tariff question; delivered in the Committee of the Whole, on the motion to refer the President's Annual Message to the several committees.

Mr. JONES, of Pennsylvania, said:

Mr. CHAIRMAN: I confess I was somewhat surprised the other day to hear the proposition of the gentleman from New York, [Mr. BROOKS.] I had supposed the honorable gentleman to be what is commonly known as a National Whig; and as such, I was under the impression that he was in favor of protection *per se*. How, therefore, he could offer a resolution at this particular crisis, for such a purpose as that proposed upon the tariff question, was beyond my comprehension. Certainly, if that gentleman is the advocate of protection, he must know that, constituted as this House is at this particular time, nothing could possibly accrue that would not be injurious to that particular interest. He knows that under the operation of the tariff of 1846, at this particular juncture, the duties levied upon imports, particularly upon articles which are manufactured in my own State, are at such high rates as almost, in the language of the honorable gentleman from South Carolina, [Mr. WOODWARD,] to have approached the prohibitory point; and in any possible contingency, viewing it as I suppose he does, I cannot conceive of any adjustment which can be made of the tariff question at this crisis that would not be most unquestionably injurious to these interests.

The gentleman from New York [Mr. BROOKS] stated in his first resolution to this House that the object he had in view was a *reduction* of the *revenue*, with a view to prevent the accumulation of a surplus. I wish to know of the honorable gentleman from New York if he has looked abroad and reflected before he made up his mind to take this step? He talks about a surplus revenue. Does that gentleman know that in less than one year from this day you may not have a surplus revenue but in its place you may find a deficiency? I hesitate not one moment to say at this time, as the honest conviction of my mind, that Europe has retrograded fifty years in the last six months. Fifty years ago there was an empire in Europe. That empire, pretending to be republican, was arrayed in active hostility against the despotic powers of Europe. Russia, Austria, and Prussia all combined with England against France. Now, what is the spectacle? A new empire rising in colossal grandeur, not *opposed*, but *backed* by all these self-same powers of despotism. With all the diplomatic pretensions of hostility to the empire, made by Russia, Austria, and Prussia, my deliberate conviction is, that there now subsists a secret alliance, formed between them, under which combined power the war of despotism against liberty is soon to be fought. I may be mistaken. I hope that I am; but I see events in Europe which have no analogy in history, and which were never heard or dreamed of before. Why, to use a paradox, there is a Democratic absolutism—the most despotic power on the face of the earth, created by the free suffrages of forty millions of people, and for what purpose? For the purpose, sir, of meeting an issue which we ourselves have already made. Has not this country planted itself upon the Monroe doctrine? What does that doctrine teach? It teaches that while the Powers subsisting at this time upon this continent may hold their position as long as they have the capacity to do so, (our Government not interfering,) that nevertheless this Government never can and never will consent that any foreign Power shall gain a fresh foothold upon American soil. Is not this the principle, the doctrine of the Democratic party of this Union? Now, where is Cuba? Why, precisely in this position. We have declared in all our negotiations with foreign Governments that Spain may hold Cuba so long as she has the *power* to hold and govern her, but that no Power on earth shall occupy it, saving ourselves, when she ceases to be able to hold it.

Now, this is the doctrine of our foreign policy, or at least will be, I presume; and in this very state of things, one of the morning papers tells us that the French empire has annexed to it a province of Mexico called Sonora. It is a remark long since made by Richelieu, that in State affairs "there are no small steps." Here is an indication; to me it is ominous, and it leads my mind to the conclusion, looking upon the existing state of affairs in Europe, that in less than twelve months from this day you will find the French empire, backed by the despotisms of Russia, Prussia, and Austria, prepared, and well prepared too, to contest the question whether a foreign Government shall or shall not gain a footing upon this continent. Now, the question is not whether we shall go to war with Europe; the question is not whether we shall follow the doctrines of Kossuth, and go abroad as propagandists; but the true question presented to the American people, as the champion of freedom, is, whether, in less than twelve months from this day, you may not be called upon to maintain your position, or abandon it? Not to become the aggressor in propagating this doctrine, but whether you will abandon or defend it with your arms? Mr. Chairman, I allude to this incidentally, because I know that the honorable gentleman from New York [Mr. BROOKS] is perfectly conversant with these affairs; and knowing that this is, at least, a possible contingency, it strikes me as the more extraordinary that he, who is a protective tariff man and a National Whig, and looking thus upon the present state of our foreign relations, should move at this day for an immediate reduction of the revenues of the Government.

Now, sir, I am opposed to an alteration of the tariff of 1846 at this time. I am opposed to it because we have no land marks or statistics to guide us. We have not even a message from the President on the subject that gives us statistical details, and we have not access to a single thing at this time which will throw any light upon this perplexed and perplexing question; and yet the gentleman proposes that we should all at once, without hesitation or deliberation, act immediately upon the whole subject of the tariff with reference to its reduction in order to get rid of the surplus revenue. I presume that there are but few members who hold seats in this House, who have derived their power from the people, at least within two years. I know that I do not. It is two years since I was elected a member of this House. The people of this Union have, within two months, elected as their President and standard bearer of Democratic principles Franklin Pierce. Shall he not have a hearing on this great question, in which the Government has so deep an interest? Is it not the will and wish of the Democratic party that the man who is the choice of the American people for the Presidency of the United States shall be heard on this and on all kindred subjects before we act? I, sir, do not believe that the Democratic members of this House will consent to act upon this subject now; but that they will regard it as uncalled for and impolitic in the extreme. Our candidate was nominated by a convention representing every State in this Union. They built a platform, embodying the doctrines of the Democratic party. Franklin Pierce planted himself upon that platform, and the American people, by a majority almost unheard of in the annals of our history, made him the President elect of the United States. As for the Whigs, I have no fault to find with them in this affair, because, if their papers speak truly, they have an object to accomplish, and that object is our division. But knowing this, I am at a loss to understand upon what principle a Democrat can wish to open this question at this time. You have now no statistic details, nor any reliable information upon a subject the most perplexing of all questions; how you can act, then, I confess I cannot comprehend. I have no objection, however, to a full discussion. I am perfectly willing to discuss this question from beginning to end. For one, coming as I do from the State of Pennsylvania, I hold myself in readiness at any time to answer every interrogatory put to me.

Mr. CARTTER inquired if the gentleman now speaking had not moved a modification of the tariff of 1846, at the last session?

Mr. JONES. I will answer the gentleman. I

did not ask for a change of the tariff, but only a modification of the mode of appraisement, without changing the *ad valorem* or revenue standard. I will come to that though in good time, and satisfy the gentleman that I would do it again, and often, upon the position I have taken and now occupy. I will read the gentleman the substance of a resolution presently, drawn by my own hand in 1846, endorsing the principles of the tariff of 1846, with a proviso that we would favor such a modification of its details from time to time as the exigencies of the country might require consistently with those principles; I offered a resolution at the last session of Congress precisely consistent with that, and I am ready to offer one at any future time, when needed, because I do not believe in the permanency of a revenue standard. Sometimes it is too high, sometimes too low.

I have already stated that I am opposed to opening the question at this time, but I shall vote for the amendment of the honorable gentleman from Tennessee, [Mr. Jones,] because ever since the passage of the tariff of 1846, I have always stood by the *ad valorem* system. I shall vote, however, against the resolution as amended, because I am opposed to the opening of the question at this time.

The tariff of 1846 was passed in the month of July of that year. There was a Democratic convention held in the county of Berks, which is in my district, in the month of September, 1846. At that convention, I drew a resolution which was unanimously adopted by that convention, and I wish to read that resolution in order to show the position we then took, and also to show that all our acts, from that day to this, have been perfectly consistent with that position; and I wish to read it more especially because we are not understood upon this question. I say that the position of the Pennsylvania Democracy on the tariff question is not only founded upon sound Democratic principles, but that it is perfectly consistent with the Baltimore platform and with Democratic doctrine generally, it is the interest perhaps of some to misunderstand us, but it is my duty, to the extent of my ability, to see that we are not misunderstood any longer by the country. The resolution passed in September, 1846, was in substance as follows:

Resolved, That we approve of the principles of the tariff of 1846, with such modifications of its details, consistent with those principles, from time to time, as the exigencies of the country may require.

Now, sir, what is meant by the principles of the tariff of 1846? What I understand to be the principles of the tariff of 1846 are, first, that it shall have a revenue standard, and shall be adjusted with revenue for its primary object. This is one of its principles, and I, for one, have never been willing, and have never proposed, to depart from that standard since its adoption. Another principle of the tariff of 1846 is, that the duties shall be *ad valorem*. Now, sir, from the day when that tariff passed, in 1846, to this day, I have never seen a resolution passed by the democracy of the State of Pennsylvania, which I have the honor in part to represent, proposing to change either its *ad valorem* or revenue features. If that be our true position, then I wish to know wherein we are inconsistent? Starting upon this ground and upon these principles, the only open point with us was this: that we would ask for a modification of the details of the tariff whenever the exigencies of the country required it. And in answer to the honorable gentleman from Ohio [Mr. Carter] I say, that four months ago there was just such an exigency, in our judgment, and I moved for the modification, not of its principles, but of one of its details. *Now* there is no such exigency, and I am opposed to all change of its details at this time. That is my position; and it is perfectly plain, at least to me. On making this motion, you will remember, sir, that it was then ruled out of order, and consequently I had no opportunity of being heard. If I had, I should then have taken the same ground I take now. But I was not heard, and, except to the Committee of Ways and Means, of which I have the honor to be a member, my position was not understood. An opportunity is now afforded me to place the Democratic party of my own district, as I understand it, in its true position on this question of the tariff—the position which it has always occupied ever since the passage of the act of 1846; and I proceed to do it.

The exigency that arose at the last session of Congress was just this: the tariff is *ad valorem* and the price of iron had fallen so low that thirty per cent. was actually far below the revenue standard. I could prove to the satisfaction of any man, that my proposition, made at the last session of Congress, would have increased our revenue considerably. If it could have been shown that my proposition was going to check the revenue, or to go beyond the revenue standard, I would have abandoned it at once. I tell the gentleman from New York, [Mr. Brooks,] that if he is apprehensive of the accumulation of a surplus revenue, let the tariff remain where it is upon iron at this day; and so far as that article is concerned he will soon find his fears to be groundless. If you look for revenue from the present tariff on iron, it will be like calling spirits from the vasty deep; it will not come. Under the *ad valorem* system, and the present high prices of iron, if these prices continue the duty will soon reach a prohibitory point, and the iron interests of the country do not want that. All they have ever asked of this Government is to give them a fixed *system;* stability is all they need now, and they will get along very well. Some of them, it is true, are clamorous for protection; but a majority of them have learned that *stability*, on almost any tolerable system, is best for their interests, and that too high prices are just as ruinous as too low. The proposition which I submitted four months ago to this House, was based upon the resolution which I have read, that the tariff ought to be modified, from time to time, according to the *exigencies* of the country, that is, the exigencies of revenue. It was then expedient to offer such a resolution; but now it would be inexpedient, because, at that time the duty was far below the revenue standard, and now it is above it.

This, then, Mr. Chairman, is the position of the Democracy of my district. The iron interests, irrespective of party, are gradually making up their minds to abandon all hope of direct protection. They are coming to the conclusion, especially since the last election, that the Democratic party is the party of the country; that its policy and principles will rule this country; and that, although they may not get what they want according to their own views, they can get something like stability; and a faithful adherence by the Democratic party to their own system will, in my opinion, soon secure their acquiescence. The iron interest is fast coming to the conclusion now, that if it were possible for the Whig party to carry a protective tariff in this Congress, or in any subsequent one, it would not stand. It would be repealed, perhaps, the very next Congress. There is no stability in it. It is founded on the supposition that we must have special legislation for the interests of one State. And who could expect that the legislation of this nation should be adapted to the peculiar interests of one State, at the expense of others? If the Whig party could control this General Government, or had power to adopt this policy and to carry it out, it might answer very well for them. But this is not likely to happen; for the Democratic party can never so far depart from their general principles, as to give protection to the peculiar interests of a single State which may be at war with the interests of other States. Our manufacturing interests must look, therefore, to the policy and principles of the Democratic party, and take their chances on the platform of equality with the other great interests of the country.

In this view their only chance is incidental protection. A good deal has been said about this incidental protection; but it seems to me that so far as the tariff question is concerned, the distinction between incidental and accidental is scarcely perceptible, especially if the fluctuations of trade are called accidents. If I understand incidental protection, it means a contingency dependent upon another contingency; that is to say, that an *ad valorem* duty tariff, rising and falling, protects the article incidentally to that extent. Revenue is the *object*, protection the *incident*.

I will state precisely the ground occupied by the Democratic party of my district on this subject of incidental protection. We take the *ground* of the revenue standard. Put your revenue standard upon our domestic manufactures at the highest revenue point, and the only incidental protection that is asked is just that accidental protection which may result from that standard. That is what we mean by incidental protection, and that is the only protection for which the Democratic party of my district now contends.

Mr. Chairman, representing in part the Commonwealth of Pennsylvania, I say that upon this platform, in my opinion, her Democracy now stand, and, I will add, upon which the iron and manufacturing interests of my State will be compelled to stand. I believe, also, that in order to secure stability, and to give us the greatest amount of incidental protection, consistent with the principles of the Democratic party, the country is disposed to give this system their support, or at least acquiescence. This position, sir, is *ad valorem* against specific duties; a tariff for revenue against protection. No man pretends to doubt, I presume, now that a tariff strictly construed is a tax. It is nothing but indirect taxation, or taxation upon consumption. I was very glad to hear my honorable friend from South Carolina [Mr. Woodward] state the other day that he regarded a horizontal tariff as a perfect farce.

Now, Mr. Chairman, I would like any gentleman who undertakes to discuss this tariff question, to tell me how he can adjust a tariff for revenue on a horizontal scale. The gentleman [Mr. Woodward] showed most conclusively, in his speech, that if you adopt a tariff for revenue, you must place the duty on some articles at five, some at ten, and some at twenty or thirty per cent. A horizontal tariff would produce no revenue on some articles.

But, Mr. Chairman, I have further to remark on this subject, that, in my opinion, such a tariff as I have described must end in free trade. I want to be distinctly understood upon this question, because I was pleased the other day to hear the honorable gentleman from South Carolina [Mr. Woodward] define his idea, or give his definition of free trade. If I understood him correctly, he said the day would come when the imports into this country would not bear any duty at all, because our own manufacturing productions would be furnished so cheap that they could come into competition with any produced in the world. Now, I believe this position to be correct, and I give it my cordial approval. In that view, I am a prospective free-trader, and a progressive one, too, in that ratio. I am willing to be a free-trader out and out, as soon as we arrive at that point. I firmly believe it will be reached. And I will say further, that I not only concur with him in this view, but the Democratic party of Pennsylvania also concur in these views. To illustrate this, I will show, before I conclude, that there has been progress in Pennsylvania on this question, and in that direction. They believe that this matter will end in free trade. They are willing to be free-traders, when we shall have arrived at that point when the imports into this country will not bear duties.

So far, then, we agree upon principle. Where, then, is the difference between what are miscalled tariff Democrats and free-traders? It is a distinction without a difference. Our position is identical, if only properly understood. We agree upon a tariff for revenue, upon the *ad valorem* principle, and we agree upon the question of progressive free-tradeism. Where, then, is the difference? It does not exist. A tariff Democrat is a misnomer.

The next question is as to the adjustment or discrimination of this tariff. The Baltimore platform has laid down a principle for the Democratic party, that no one interest shall be fostered at the expense of another. I subscribe to that principle. I shall ask for discrimination in any tariff, but I shall not ask for a discrimination in favor of any article beyond the revenue standard, nor shall I ask it at the expense of any other interest. That is what I understand by the Baltimore platform. You must not protect, in any way, or foster, any one interest of the country at the expense of another.

The question now under discussion is, how shall you adjust the duties to reduce the revenue and avoid a surplus? I agree with some of the gentlemen who have preceded me upon this subject, and the very moment there is an accumulation of surplus revenue in the Treasury, and there is no mode

of disposing of it in a proper and legitimate manner except by a reduction of the duties, I will go any length to secure that reduction. That is, as I understand it, all that is asked. And while I am opposed at this present time to any reduction of the tariff of 1846, as being fraught, in my opinion, with nothing but mischief, I will say now, that in one year from this time, after we have all the light, all the information, and all the statistics we want—when we have had time to deliberate upon the proper mode of reduction—I will most cheerfully concur in such a reduction.

I have no hesitation now in expressing my own views to the House of the proper mode of reduction. In the first place, the principle I set out with is, that we ought to have an economical administration of the General Government. I subscribe to that principle, and, as a member of the Committee of Ways and Means, I will vote for a reduction in the next fiscal year of $6,000,000 of the current expenditure. The proposition of the gentleman from New York [Mr. BROOKS] is to reduce the income or revenue of the Government, with a view of meeting only the expenses of the Government, economically administered. I concur in this, and, as I have just remarked, I will vote in the Committee of Ways and Means, and in the House, to reduce the annual appropriation for defraying the current expenses of the Government for the next fiscal year $6,000,000, which will reduce the whole amount to $40,000,000. I am willing to meet that contingency now by applying this surplus revenue to the cancellation of the national debt, so far as it can be done. This will dispose of a portion of it. In the next place, if, after this, it be found that we have a surplus in the Treasury, and no employment for it, I will agree to a reduction of the tariff of 1846, first by an extension of the free list. In order to understand this, I suppose myself to be two years hence—for that will be soon enough—with the national debt paid as far as it can be done with the surplus revenue now on hand, and such as shall accrue in the mean time, and the administration of the Government of the United States reduced to the most economical point practicable, and that we are starting out now to reduce the revenue of the Government to meet only the actual wants of such economical administration. I repeat, then, that I would first extend the free list; I would, in the next place, levy a duty upon all articles which we manufacture at the revenue, the highest revenue standard. That would make a beginning. I would place a duty on these articles at the highest revenue standard—no higher and no lower. That is Democratic doctrine; that is a revenue tariff—and what next? Why, I would then make all articles of foreign growth or foreign production, which are consumed by the masses, (excluding a certain class of luxuries,) and which we do not manufacture in this country, free of all duty, or, if that would take off too much revenue, I would reduce it down to the lowest compatible point. I believe I agree with the gentleman from New York [Mr. BROOKS] in regard to extending this free list, or in reducing the duties on this species of productions just to the point required to pay the expenses of the Government, economically administered.

These are precisely my views upon this subject, and I believe they embody the views of most of my Democratic constituents, or those of the Democratic party generally in Pennsylvania. That is the doctrine of the Baltimore platform, and it is the principle embodied in the tariff of 1846. There is where the Democrats of Pennsylvania place themselves; and we are willing to stand upon those principles with you. We only ask that when a modification of the tariff of 1846 shall come, that you will place the highest revenue standard upon such articles as are manufactured in this country.

I agree with the honorable gentleman from South Carolina [Mr. WOODWARD] in another point—that no tariff can be made a permanent one. There is no such thing as making it permanent, because the circumstances or causes which regulate it are subject to the laws of trade, and it is not in the power of human legislation to make it permanent unless that legislation can be made to regulate also the laws of supply and demand. Otherwise you cannot make a tariff by any invention of man which can remain permanent. It must change according to the circumstances which may arise, and all you can do is to establish settled principles by which to guide yourselves in running on with this progressive tendency to free trade, and I do solemnly believe that this progression will not only be the highest indication of the success of our manufactures, but of the greatness, the growth, and glory of our country.

I wish, Mr. Chairman, to say, in connection with this subject, that the point of difference between myself and some gentlemen upon this floor is, that I make a discrimination in favor of manufactures; so I do, but I am in favor of our manufactures against that which we do not produce, and which is not indigenous to our soil. Is not this Democratic? I would like any gentleman to tell me where I shall go to find a better Democratic doctrine. Does it make any difference, taking the tariff as a tax, whether a man pays two dollars duty on one article, and nothing on another, or pays one dollar on each? None at all, provided both articles enter alike into general consumption. Does it make any difference whether you lay the burdens of the Government on one article of general consumption, or on two? I can see none. If that position be correct, then it makes no difference whether your tariff is laid upon articles of manufacture or not, provided it is laid upon articles of general consumption entering into all classes of society.

If articles of manufacture are articles of general consumption, and if it is your object by this indirect mode of taxation to distribute the burdens of the Government equally upon all, by laying these duties upon manufactures, you will reach that point as nearly as is practicable. Call it, then, a tax, and that tax it laid upon manufactures at the revenue standard; then make a free list, and what is the effect? Why, sir, do not you reap the benefits on every article that is introduced into the country free—every article, I mean, of raw material? Every such article that is placed upon the free list is manufactured in this country, and enters into the general consumption of the whole country; and is not this fair? Take, for instance, the articles of tea and coffee; they are not produced in this country, but they come here free of duty; they are diffused all over the country, and every man partakes of the benefit of them as free articles. Is not that equal? Is it not just? Why, sir, the only possible discrimination it can make is in favor of the poor and the laboring classes, against the rich and those who are best able to bear the burdens of taxation. But I am talking of this principle as consistent with the principles of the Democratic party—a discrimination in favor of a free list! Why, sir, I would be willing to meet any Democrat upon that argument, because it is as clear to my mind as anything can be. I ask any Democrat to meet me with the Baltimore platform before him, or any position the Democratic party of the country has ever taken, and show me that there is any injustice or inequality, or any taxing of one interest of the country at the expense of another by extending your free list, and placing a tariff at the revenue standard upon your manufactured articles.

Now, sir, taking that position, what next? Why, Mr. Chairman, we shall then begin to reduce the revenue standard, and then according to the position of the gentleman from South Carolina, [Mr. WOODWARD,] we shall, in a period of time, which he perhaps sees in the distance, arrive at free trade.

Mr. CLINGMAN. I wish to see if I understand the gentleman's proposition. His principle, if I apprehend him aright, is, that the duty shall be imposed upon those articles which are manufactured in this country. For example, to illustrate my views, salt is an article of general consumption. If you impose a duty upon salt, it appears that the salt makers of this country would pay no part of that duty, because they would sell and not buy. I would like to know of the gentleman whether, if you impose duties upon articles manufactured in this country alone, you will not thereby relieve the manufacturer from all share in supporting the Government; and I should like to know how he would work out his policy in practice?

Mr. JONES. I did not in this discussion propose to go into all the details of all possible contingencies that might arise out of a modification of the tariff. I have no objection—although I do not understand the gentleman's proposition exactly—to repeat my views in general terms.

Mr. CLINGMAN, (interrupting.) If the gentleman will allow me a single word further. I have no doubt, if there were some one article which everybody consumed, it would make no difference if you put the tax upon that article. But I wish to direct the gentleman's attention to the difficulty in practice in carrying out any such general principle as he lays down. For example, you cannot take any one article, manufactured in this country, that everybody will buy alike. Here will be the difficulty of carrying out his principles. I would like to have the gentleman go a little into detail, and show me how the principle is to be carried out. I can well understand how, if you tax everything, everybody will contribute; but if you select an article manufactured in this country alone, and impose a duty upon that, then, of course, the manufacturers, as they do not buy that article, pay no part of the duty; but upon the other hand they get a benefit in the shape of protection, and a bounty in the high prices. It seems to me that they have no right to ask us to relieve them altogether.

Mr. JONES, (resuming.) I thought I stated distinctly, in my proposition, that I expected nothing perfect in this world—at least, I never found it—and if I intimated that any tariff could be adjusted with equal justice to every man in the Union, I certainly meant no such thing. All that we can do in the adjustment of the details of the tariff is, to get as near the point as we possibly can. That some men will not be equally taxed with others is all very true. In adjusting the tariff upon consumption, he who consumes the most pays the most taxes. That is all I mean to say now, without going into details, because I am not prepared to argue that question at this time, and I may upon another occasion go into the details of it. All that we can do is to aim as near that point as we possibly can, and if the gentleman will suggest something better, I will be willing to join him. I may say, however, that he is mistaken in saying manufacturers are not consumers; but I concede it is not so much a question of principle, as it is one of expediency, consistent with principle.

Now, Mr. Chairman, I believe I have gone over the points, and I do not wish to occupy any time in repeating them. I have stated them, as a matter of course—as general principles—and I can do nothing else in one hour. When I am called upon to define the position of my party at home, in my district, upon the prospective reduction of the whole tariff system, and occupying one half or two thirds of the time in defending the positions I take, it is utterly impossible for me to go into any argument in exposition of my views upon the details of this tariff. Therefore I pass that by, upon general principles; but I repeat, that when the time comes, we stand ready to adjust the duties of this tariff, upon the revenue standard, on all that we manufacture or produce, and consequently to extend the free list, and reduce the duties upon those articles which we do not produce, to such a point as may come within the requisites of the Government, to meet its economical expenditures; and if that produces a surplus revenue, then we go one step further, and reduce below the revenue point, and so continue from time to time, progressively, until we are brought to entire free trade. That was the position I was endeavoring to explain, so as to be understood.

Now, I have something to say in relation to the position which the State of Pennsylvania has occupied in relation to those views, ever since the tariff of 1846 was passed. I have already stated that the resolution I read was adopted in 1846.

However, before I touch upon that subject, I wish to say one word in relation to the effect this course will produce upon the country. I have already stated that the effect of this will be, in the first instance, to throw the burden upon the richer classes, and to relieve the poorer and laboring classes. But there is one class it will not relieve, and that is the corporations and monopolies of the country, and consequently I cannot satisfy those

honorable gentlemen who are in favor of exempting railroad iron, and making it free of duty—for I am at issue with them—or if they cannot agree with me, and go upon principle, convince me I am wrong, and I will abandon the point. I say the Democratic party is against such a course. You cannot discriminate by making railroad iron free of duty, unless you lay down the principle that it is proper and right to discriminate in favor of corporations and monopolies, because that is the tendency of it. I have been astonished to see that gentlemen, who have been talking about the principles of this tariff, and apprehending that I was departing from them, are in favor of making railroad iron free. Now, I want those gentlemen to tell me how they are to resist this issue. If you are in favor of repealing the duties on railroad iron, then you are in favor of discriminating favorably to corporations and monopolies. If, upon the other hand, you argue with me that such a course is for the benefit of the whole country, then you are in favor of aiding internal improvements at the expense of Government. It will not do to say that in taking off thirty per cent. in favor of railroad iron indirectly you are not thereby giving thirty per cent. to corporations out of the funds of the Government. There is no distinction at all that I can see, consequently in voting to discriminate in favor of railroad iron, and making it duty free, the effect of it irresistibly is, that you either discriminate in favor of corporations, or you are in favor of taking the money out of the Treasury for disbursing it in favor of internal improvements. I am opposed to both.

Mr. Chairman, the Commonwealth of Pennsylvania, or at least the Democratic party in it, have always advanced on sound principles. We have often been told that we are unsound. I say that we have always shown ourselves willing to advance, and I can prove it by the records. How is it on the bank question? Who created that bank? Was it the Democratic party of Pennsylvania? Sir, it was the creature of this General Government. If it be unconstitutional to have a national bank, you are responsible for it, and not the State of Pennsylvania. Not only that, sir, but it has been our misfortune to have your very erroneous legislation located in our State. When you created a national bank of thirty-six millions of dollars, you planted it in my State, and then turned round and found fault with us because we had it there. Why, sir, it was your error, and not ours; all the political heresies that have ever got into the State of Pennsylvania, have come from this General Government; and that State learned all her heresies in your school. Now, on the bank question we have advanced, and come to occupy a true position upon it. We agree that a national bank is an obsolete idea. Is not that advancing upon sound principles? And I hope, sir, to see that very principle, some day or other, impregnating the Supreme Bench of this Union. I hope to see the constitutionality of the Bank of the United States reversed by the Supreme Court; and I also wish to see the case of Prigg *vs.* The Commonwealth, reversed too; then I shall be satisfied with the opinions and position of the Supreme Court of the United States.

That is the doctrine of the Supreme Court, and not of Pennsylvania. The dissenting opinion of Chief Justice Taney, according to my judgment, is more in accordance with their public views.

How is it with the question of the constitutional treasury? Is not Pennsylvania sound upon that question? If she be sound, does it not prove that she advances upon principle, and is always right? All that she asks in reference to these great questions of the country is to allow time to deliberate. She does not want to be put under a high pressure all the time by hasty changes, even where error exists and has taken deep root.

I respect the opinions of those gentlemen of the South who differ with me upon the manner of modifying the tariff. We meet you upon the tariff of '46 now, and beg you not to leave its principles until you at least succeed in convincing us it is wrong. When you do that, we will go with you. Allow us to take counsel with you upon these principles, and when the proper time comes, we will always advance upon principle. Only convince us that we are wrong, and Pennsylvania will follow the right.

How is it on the question of the distribution of the proceeds of the public lands? Precisely the same. Pennsylvania is sound upon that question—as sound as any portion of the Democracy of the country. How is she upon the execution of the fugitive slave law? When the country was supposed to be in danger, did not Pennsylvania come to the rescue, and sustain, not the South, but the Constitution? She was called, at the North, a dough-face.

She has been called a follower of southern doctrines. Sir, she recognizes the doctrine of No *North*, no *South;* but the *Constitution* and the *Union;* the Constitution just as our fathers made it, enforced and interpreted by the principles of strict construction. She has always loved and admired southern constitutional doctrines; not because they are *southern*, but because in general they are sound in her judgment; but she has never lacked the nerve to forbear to follow when she believed them to be wrong.

I well remember when no man within the limits of this broad Union, occupied a larger share of her affections than the distinguished Senator from South Carolina, now gone to his grave. And yet, when he took a position in 1832 which she regarded as dangerous and unwise, she ceased to follow him on that question, although she never ceased to honor, to love, and to admire him.

It is upon the Constitution that she desires to stand, recognizing no higher law in the administration of the Government.

I cannot speak for the whole State, which I have the honor in part only to represent, except so far as my own opinions go of her position; but I think I understand her pretty well, and I can speak with confident assurance, at least for my own district, when I say that they repudiate the doctrine of Prigg *vs.* The Commonwealth of Pennsylvania, as well as that other famous decision, in which a United States Bank is declared to be constitutional, or rather perfectly consistent with the spirit of that instrument—falling within the powers not granted expressly, but which in that case were held to be necessary for carrying out those that expressly were granted

The tone of public sentiment in Pennsylvania, in my opinion, is against both of these decisions. They hold them to be wrong, and will hail the day with pleasure when the Supreme Court shall deem it expedient to reverse them; professionally, as a member of that court, I respect the decisions; as a representative, desirous of faithfully expressing the sentiments of my constituents, which, in this particular, are in consonance with my own judgment, I repudiate them as unsound and untenable. It was precisely, then, upon these principles, that in 1851 the Democratic party of Pennsylvania planted itself upon the doctrine that the fugitive slave law should be faithfully executed in Pennsylvania, and that her act of Assembly, refusing our jails to the General Government, should be repealed, because such a position was absolutely required at that crisis from a party which professed to respect the compromises of the Constitution, and also professed to have nerve enough to say and do before the world what it believed to be right. It was in my own district (Berks) that the convention met and adopted this platform, nominating on it the present amiable and distinguished Executive of the State, William Bigler. Eight thousand majority crowned their success, and settled the question, I trust, forever.

I do not, Mr. Chairman, mention these things in a vain spirit of boasting. Other States were just as true; but I deem it due to the State which I in part represent, to refer to it in support of my argument—that Pennsylvania is not stationary, as she is most unjustly represented to be, but has always been true to the Constitution, and is always progressive upon sound principles.

Now, sir, apply this rule to her action on the tariff. The tariff of 1842 was not understood by Pennsylvania herself when Mr. Walker proposed to establish the tariff of 1846. It was working *well* at that time; and although the Democratic party never endorsed its principles and details, it was averse to change—more from motives of *fear* of the consequences that might ensue than from an approval of its principles. In 1844 the honorable Mr. McKay, of North Carolina, chairman of the Committee of Ways and Means, offered to Pennsylvania forty per cent. on iron; she declined it, however, because she feared the change might not work well; she was not then prepared for it. In 1846 a bill was passed establishing *ad valorem*, and putting the duties on iron at thirty per cent. This was passed without the vote of Pennsylvania, excepting the vote of the Hon. David Wilmot, for precisely the same reasons.

I now again refer to the resolution adopted by the Democratic convention of Berks county, in September, 1846, to show you that, in principle, she was right then, and only wanted time to carry it out. Now, sir, observe her progress: she was silent on the subject, asking no modification for four years. Towards the close of the first session of this Congress, I offered an amendment not to change a single principle of the act; but finding that in consequence of the very cheap rates of iron that the duties had fallen far below the *revenue standard*, my object was to change the mode of appraisement so as to bring it up to that *standard*. Could I have obtained a hearing, I would then have stated just what I state to-day, that Pennsylvania will stand by the tariff of 1846, in principle—preserving *ad valorem* with the revenue standard; but on our own manufactures we ask you to keep the duties *up* to the *revenue standard*—not to go beyond it, nor fall behind it. If this produces a surplus revenue, pay off the national debt. If a surplus still remains, extend your free list on articles not produced or manufactured here; and in doing so confine it to articles of general consumption by the masses, (omitting luxuries as falling within the exception to this rule.) If this fails, then reduce below the revenue standard on your manufactures, until, in the process of time, you reach absolute free trade—if you prefer it—and by this gradual, progressive reduction, you will find, when the time comes, your manufacturer will be able to bid defiance to the world; and all this can be secured in the adjustment of a revenue *ad valorem* tariff.

I should have stated these facts at the last session could I have had a hearing. My views were just the same then as now; accordingly, as I have already answered the gentleman from Ohio, [Mr. CARTTER,] I moved to modify then, because the duty had fallen far below the revenue standard. Now, sir, I am opposed to modification at this session, because although the duty is now too high, I have no faith in its staying there. In six months it may be down again; but if it continues up, I would most certainly favor reduction until you come down to the revenue standard. My position then is, that an *ad valorem* tariff fluctuating with the trade of the country cannot be permanent; and in order to make it effective, you must change from time to time and follow the fluctuating standard up or down the scale, just as the laws of supply and demand may please to send it.

I have said that Pennsylvania progresses on all these questions on sound principles. In 1844, she refused McKay's bill; in 1851, she came here and offered to take it: it was refused; in 1852, she asked a modification of the tariff of 1846 merely to secure the revenue standard. Now she accepts it just as it is. Next year if it be too high, and a surplus accumulates, she will go with you to reduce it, and upon the principles I have laid down, she will go with you till it ends in free trade, if the country so wills it. All she asks is that you will only move cautiously, and gradually give stability to your acts as you advance, and she will go with you to the end. I felt it to be my duty, to the extent of my humble ability, at the earliest opportunity, to try and place her thus fairly before the country. I do not arrogate to myself the right to speak for her by authority. I am but one of her Representatives; and when I have assumed to speak for the State, I wish to be understood as only speaking by authority for my district. All I say of the State is but the result of careful observation and well-settled opinions. I speak only for the Democratic party also, and such interests as I believe concur with it. My colleagues may differ from me on many or all of my positions, and if so their opinions are entitled to as favorable a hearing as mine are.

MODIFICATION OF THE TARIFF.

SPEECH OF HON. R. K. MEADE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

December 14, 1852,

On the Tariff question; delivered in the Committee of the Whole, on the motion to refer the President's Annual Message to the several committees.

Mr. MEADE said:

Mr. CHAIRMAN: Had not the ground been taken in this debate, that a reduction of the duty on railroad iron would inure only to corporations, I might not have said a word on the subject. My State (now engaged in an extensive system of railroads) feels at this time a peculiar interest in this question, and the same may be said of the whole West and Northwest.

My friend, the honorable gentleman from Pennsylvania, [Mr. JONES,] would find himself somewhat puzzled in attempting to draw a sensible distinction between manufacturing corporations and railroad corporations, and to demonstrate how the community will be more benefited by extending privileges to the former, and denying them to the latter. Indeed, sir, the reverse is true. For, while the admission into this country, duty free, of dye-stuffs, coarse wool, &c., will enable the manufacturer to make his goods at less cost, it does not follow that the community will buy them cheaper, for after all, the foreign article of the same kind regulates the price, which is always increased (if imported at all) by the duty imposed. The importation of it implies a demand greater than the supply at home, and the price which the foreigner must demand, to realize a profit, will be the price also of the home article, however cheap it may be made. To benefit the community by admitting, free of duty, certain articles necessary to the home manufacture, you must also admit the manufactured article itself, free of duty; otherwise, you only transfer the amount of the duty from the Treasury into the pockets of the manufacturer.

I think I shall be able to show that the admission of railroad iron, either free of duty, or with a light one, will benefit every one. If there were as many lines of railroads, extending from the Atlantic to the Mississippi, as there are States upon its shores from New York to Georgia inclusive, there would not be a man, woman or child, east of the Rocky Mountains, that would not in some degree be benefited. All would either travel upon them, or use something transported by them. The cheaper those roads are made the cheaper would be the travel and transportation. The interest on their cost would be less, and their profits begin proportionably sooner. A railroad costing $2,000,000 must make $120,000 a year clear of expenses, or do a losing business. If the same road cost but $1,000,000, $60,000 per annum would remunerate it, and the other $60,000 would be a saving to the community—that is, it could charge $60,000 less for travel and transportation. Would they charge less on that account? I say they would. There are very few that make more than six per cent. In truth, sir, the railroads of the South are built, not so much with a view to profit as to afford commercial facilities. The farmers and planters make their subscriptions, looking for remuneration to the convenience of traveling, and the cheaper transportation of their produce. Our experience teaches us that, in a distance of fifty miles, twenty cents at least are saved on a bushel of wheat or corn, and three dollars on a hogshead of tobacco. The merchant and mechanic in the city takes the stock to increase the value of his lots and houses, and stimulate his trade. He gets his dividend in increased rents and profits; a dividend in money is regarded as an incidental benefit. Besides, sir, these roads are, either in whole or in part, owned by the State in which they are made. They are built in whole or in part by the money of the State, which is contributed, in the shape of taxes, by all. Hence all are interested in their cheapness. Besides this, they are, for the most part, limited in their profits by law; and the State has, by her officers, an influence and control corresponding in some degree with the contributions she has made. The charges, therefore, on these roads must be less as you diminish their cost.

Justice to the South demands that there should be a reduction of duty on railroad iron.

Railroad iron was exempted from duty for a long period previous to 1842, and during that time a large number of the railroads at the North were built; but few at the South and West. Nor was it so much our fault as the result of circumstances. The density of the northern population enabled them to do what we could not then, or could but slowly do. Let not our inability, then, be charged as a fault.

I believe that a reduction of duty on railroad iron will eventually benefit the iron-master. The market for his iron is principally in the interior of the country. The cheaper he can get it there the greater will be his profits and the more he will sell. The article being very heavy, it is of the last importance to transport it cheap, for it will not bear a heavy transportation duty. A costly railroad is a perpetual tax on transportation. The cheaper the railroads are the cheaper in all time to come will be the transportation-tax on iron. English iron is now only the pioneer that is opening up a perpetual market for American iron. It first makes a cheap road to your mines, which takes your iron to the sea-board, thence by vessels it is distributed into every sea-board town, whence, by railroads, it is taken far into the interior. On every one of these railroads are twenty engines and a thousand cars, all of which are built and renewed from year to year out of iron taken from your mines. Along the lines, bar iron, plows, and machinery of all kinds, are transported, and all made of iron from your mines, deriving an incidental protection from a revenue duty. This state of things will spring up in a few years, if you will just have patience until foreign iron shall pave the way for your own. Our ancestors felled the forest with English axes; but for which it would have been still a forest. I will illustrate by a case in point: The road from Petersburg to Lynchburg, a distance of one hundred and twenty miles, is built by a subscription of individuals, assisted by the State, which, in pursuance of a general policy, takes three fifths of the stock. Had railroad iron been sixty or seventy dollars a ton, instead of forty-two dollars, the road would never have been built, for it was exceedingly difficult to procure the subscription, notwithstanding the comparative cheapness on account of the low price of iron. There are now running on that road engines and cars from Philadelphia. But for English iron at forty-two dollars a ton, many thousand dollars already spent would have been lost to Pennsylvania, and many thousands more in prospect. This road is one link in a chain that will reach from James river to the Mississippi. How much of Pennsylvania iron in various shapes will ultimately travel along this entire line it would be difficult to estimate. To the cheapness of railroad iron this entire line is principally indebted.

The honorable gentleman from Pennsylvania [Mr. JONES] contended that the whole revenue had as well be raised on a few articles, as diffused over many, and contends that a man had as well pay a tax of four dollars on his coat as two on his coat and two on his trowsers. This would be true if the article taxed was universally used, and in proportion to each one's means. But suppose we were to levy the tax on bonnets and silk dresses, and none upon hats and broadcloths, what would the wives and maids of his district say to him? Why, sir, his wife and daughters would scarcely save him from their fury. If the tax was collected altogether on iron, a vast number of people would be exempt, and many but partially affected; such as lawyers, doctors, divines, merchants, many mechanics, and a host of others. The planters and farmers would bear the chief burden. Lay your duties as you may, with a view to incidental protection, and the exporting interest, constituting the largest class, must bear the chief burden. The produce of grain, cotton, and tobacco cannot be incidentally protected, for his market is beyond the reach of your revenue laws. The shoemaker pays a tax to the hatter, but he gets it back when the hatter comes for his shoes. The manufacturer pays a tax to the iron furnace and foundery for his machinery, but he gets it back when the iron master and founder comes for his coat. To all classes, the cultivator of the soil, the merchant, the house-joiner, and many other mechanics, pays a tax, but gets nothing in return. The price of whatever the farmer and planter (who supports all the rest) sends to market, is fixed by the foreign demand, and that again is regulated by the amount of foreign goods they are willing to take in exchange, which are reduced in value to the extent of the duty he pays on them at home.

The low price of iron for a few years back was only the misfortune of the producer, similar to that which often befalls the cultivator of the soil. When cotton, grain, and tobacco, bear a low price, he flies not to the Government for aid; he puts up with it, and works the harder. He waits for a better day. Your system of protection, however, puts upon him the misfortune of others as well as his own. Protection means a premium in the shape of money, and it is paid altogether by the exporting interest; for whatever is paid by one protected class to another is ultimately returned. The farmer only asks the small privilege of being permitted to buy of those who will buy of him, instead of being forced to buy of those who will take only a portion of his products in exchange for theirs, demanding cash for the greater part.

The argument drawn from over-production is a fallacy—there is no such thing as over-production. The ability to buy alone regulates the extent of the sales. Millions of people in Europe were starving when our breadstuffs were cheapest. Would they not buy if they could? And why would they not? They had no employment—there was no market for what they could make, though millions were in want of it. Restrictions, monopolies, high duties, legislative outrages on the laws of nature and of commerce, had made him a beggar with millions of others. Abolish the custom-houses all over the world; let there be free intercourse between its ports, and none would want. This country, from certain natural advantages, produces breadstuffs, provisions, cotton, &c. Other countries, from a like course, produces other things cheaper than we can. These should be mutually exchanged. These should form the basis of a commerce between them enriching all. The grand folly of this country has for twenty years been in trying to force productions which belonged properly to others. Why have we not attempted to force by protection the growth of tea, coffee, and the spices, as well as sugar? We should have done so, had nature been a little less emphatic in her denial. We would have done so, if it had been possible, by only doubling their cost. The folly of the attempt would only have exceeded our other follies in degree. We discovered that we lacked the climate to grow tea, but have not learned we lack the climate for other things that we have attempted. A dense and starving population produces a climate for many productions. We could make silk with such a climate. The delicate fingers of a starving female, who will for three cents a day gather up the threads of the butterfly's shroud, is alone wanting to confer that blessing on us. When we reflect on the causes that prevent us from manufacturing some things, it should be matter for rejoicing, instead of regret.

The cheapness of provisions here gives us many advantages over the European. But it must be remembered that what are necessaries here are luxuries to the laborer of Europe. In place of his potato we must have bread. In place of his bread we must have meat. In place of his one loaf we must have three. A laborer's daily consumption here is three times what it is in Europe. Cheap labor and a dense population alone enable the European to manufacture cheaper. I do not regard either of these things as blessings. The forests of the West and the cotton-fields of the South are standing bidders for the labor of the poor. The former invites the strong and athletic, the latter, the weak and delicate. They are a refuge from the exactions of the capitalists. It would be almost a pity to tell those poor little boys and girls of ten and twelve years of age, who are crawling upon their bellies through the coal seams of England, that for four months in the year, in the cotton-fields of the South, they could make their four shillings sterling a day, and play and gambol for the remaining eight months of the year. The knowledge of so much happiness else-

where would kill the poor creatures with despair. Take away these bidders for labor, and wages would go down and assume the European standard. Here the capitalist goes in search of labor; there labor seeks the capitalist. There employment is the commodity in demand, and is procured by the lowest bidder; here the employee, and is procured by the highest bidder. There the capitalist dictates to the laborer; here the laborer to the capitalist, who asks protection from him by demanding a contribution from the rest of the community. He artfully puts it on the ground that you are protecting labor. Can it be denied that the thing protected is the article produced, or the bale of goods owned by the capitalist, which he sells without paying a tax, while the foreign owner of a bale just like it has to pay a third of its value for the privilege of selling? But it will be replied, that the bale is the product of labor, and if you protect that, you protect the laborer.

The capitalist when he goes into the market for labor gets it as cheap as he can, and I have shown through what agencies the price is regulated and kept up. But for argument sake, let it be admitted that the laborer is protected to the extent of his agency in producing the bale. What proportion of it did he make, and what the machine owned by the capitalist? In that proportion, whatever it may be, is the premium shared between them. I leave to others better acquainted with the subject to determine the proportions of each. But my own opinion is, for every dollar pocketed by the capitalist about one cent goes into that of the laborer, which is paid away the first time he buys a coat. Sir, the machine and its owner is alone protected. You may as well tell me that the poor of Louisiana are protected by the duty on sugar. The labor which makes it is owned by the capitalists as are the machines of the North. They alone receive the premium. The laborer pays it. The wealthiest class of the North is the protected capitalist. The wealthiest at the South is the protected sugar planter. In each of these classes you find the millionaires of the country. It is idle to tell me that duties were taken off tea and coffee for the sake of the poor. Was ever a cup of either drank without sugar? No, sir; the reason is that there were no wealthy producers of these articles to combine with others to grind, not to protect the laborer.

I have heard it contended that if duties be light, foreigners will combine to overstock the market, and crush home manufacturers, and then demand their own prices. Men are alike governed by their interest all over the world. They will as soon combine at home as abroad. It is certainly more easy and practicable. Can the manufacturers of England, France, Germany, Belgium, and other countries more readily combine than those of Lowell? Is it more probable that the world will combine against us, than a corner to which the trade is secured? The competition of all nations is our best security against combinations.

I was very glad to hear, Mr. Chairman, that my friend from Pennsylvania [Mr. JONES] had taken the liberal ground he did on protection; the only protection he wants, is that incidental protection which the highest revenue duties could give him. That was the ground assumed by Mr. Polk in his first message after his election, one which had never been officially taken before, and which was supported by nearly the whole Democratic party. But the gentleman from Pennsylvania must remember, that eight years have expired since that time, and the progress we have made since then in sound principles and knowledge of the laws of trade, has been very rapid.

I was pleased when the Democratic party took the ground, that they would be content with such incidental protection as the highest tariff of revenue would give, because I consider that one step towards a more liberal policy.

What does it amount to practically? If we desired to raise a million of dollars upon shoes, supposing that four millions were annually imported, a duty of twenty-five cents would raise it; a higher duty, say of fifty cents, would also do it; and at the same time incidentally encourage the home article, by excluding two millions of the foreign. The fifty cent tax is the highest revenue duty, but still it is protective, for while the same amount is paid into the Treasury upon the two millions of shoes, you are yet paying an equal tax upon the two millions made at home,—the one tax goes into the Treasury, and the other into the pockets of the manufacturers.

It is argued that the encouragement of our manufactures at home, lessens the supply of the productions of the earth, which would be overstocked in case we did not divert labor from the soil. When that time comes, the products of the earth will fall in value to that point which will itself suggest to capitalists other investments. But I never expect to see the day when the earth shall be beaten by any competitor. It has never been yet. A laborer can make more by plowing it, than in any other business.

Mr. Chairman, I listened with pleasure, until I discovered his object, to the remarks of the honorable gentleman from New York, [Mr. BROOKS,] the other day. He seemed to desire to reduce the revenue, and diminish the surplus, by taking off duties. The object of his first resolution, as explained by himself, soon became apparent. In his list of articles to be made duty free, there is not one, I believe, which is manufactured here, and by making them free, we impose the necessity of keeping up the duties on all others.

His free list consists of such things as we must import, and many of them entering into the composition of the manufactured article at home. Now, I think I have shown clearly, that if we were to admit the raw materials free of duty, it would be an indirect protection to the manufacturer, and a tax on the consumer.

But the gentleman desires to reduce the revenue, and to prevent its accumulation in future. He anticipates great inconvenience in the country from hoarding up the specie.

Mr. CLEVELAND. If the gentleman will allow me to interrupt him, I desire to know by what process of reasoning he will prove that, by admitting railroad iron duty free, railroad companies would transport cheaper, and at the same time the manufacturers, under similar circumstances, would not sell cheaper?

Mr. MEADE. If the gentleman will read my speech when it is printed, he will find that I have explained that matter fully. I cannot go over the same discussion; it would consume too much time. The gentleman can satisfy himself, if he will do me the honor to read my speech.

Now, Mr. Chairman, if the country was in want of a specie circulation, the argument of the gentleman from New York [Mr. BROOKS] would hold good; but the money hoarded in the Treasury is only a portion of the surplus product of the country. It occupies precisely the same relation to commerce as so much corn in a time of plenty. The gold of California is an article of merchandise; and so long as the currency of the country is sufficient for the purposes of trade, no inconvenience would result from the surplus. Release it to-morrow, and it would be driven away by the paper which, unfortunately, occupies the place of gold. But, Mr. Chairman, I will admit that there exists the other danger, to which the gentleman from New York has alluded. I entirely concur in what he says of the danger of extravagant, and, perhaps, unconstitutional appropriations. For the sake of the purity of the Democratic party, I should like to remove that temptation out of their way. But, sir, for the purpose of depriving the policy of 1846 of the credit due it, he has attributed our enormous revenues to the Treasury circulars issued by Mr. Walker, and which, when afterwards reversed by the decision of the Supreme Court, were made the law of the land by a special act. The construction put upon the law of 1846 by Secretary Walker, was certainly in conformity with the spirit or intention of the Legislature that passed it. If not precisely in conformity with the letter of that act, the design of Congress, as every one knows, was, that the duty should be assessed on the value attached to the foreign article at the time it left the foreign port.

But the gentleman may be reminded of another thing. Our revenues from the tariff of 1846, have been diminished by the construction which one of his own Secretaries put upon the act of 1850. There is not a lawyer in this House that would say the freight is not a part of the costs and charges of goods imported, which the law of 1850 required to be added to them, and included in their value in fixing the duty.

Mr. MILLSON. I regret that my colleague thinks that freight across the Atlantic should, under that law, be considered as entering into the valuation upon the goods on which duty is to be paid. He has just said that it was the object of the special act of 1850—for which I voted with much misgiving—to legalize the Treasury circulars of Mr. Walker. I beg leave to suggest to my colleague, that the Treasury circulars of Mr. Walker, to which he alludes, expressly excluded freight as one of the costs upon which duty was to be calculated.

Mr. MEADE. My colleague has mistaken me in one particular. When I said that was the object of the law, I had reference to the law of 1846, which had for its object the fixing of a valuation at the foreign port, at the time the article was exported to this country. That was the object of that law, and whatever may have been the object of the law of 1850, I say that, sitting as a judge upon the bench, there is not a lawyer in this House who would not decide, that the cost and charges would include freight, whatever may have been the opinion of Mr. Walker, or the intention of Congress. Mr. Walker's views in relation to this matter accorded with my own wishes, for I preferred that all dutiable articles should be estimated as cheaply as possible, with a view to as small a tax as possible. But still, construing the law as a lawyer, I could not exclude freight from the costs and charges any more than I could commissions, insurance, or any other charge.

Now, I do not desire, by any means, to find fault with this construction. I only alluded to it, to prove to the gentleman from New York, [Mr. BROOKS,] that so far from being benefited by the construction given these laws, the revenue has been diminished by it. But the remarks of the gentleman from New York carry me back to the first time I took my seat in this Hall in 1848, when I listened to the eloquent remarks of the then chairman of the Committee on Ways and Means from Ohio, [Mr. Vinton.] That committee was then under the control of the Whig party. I was then alarmed, or rather I should have been alarmed, if I had been subject to alarms, by the doleful anticipations which were then indulged in by that gentleman, in respect to what would be the awful condition of the Treasury in time to come. Debt, bankruptcy, and ruin to the country, were the hobgoblins which walked through his speech of that day. The contrast could but strike me most forcibly, when I heard the other day another leader of the Whig party bewailing the condition of the country, in consequence of its immense surplus revenues, and predicting a speedy dissolution from plethora and the wealth of the Treasury. We told the Whigs in 1848 to trust to the Democracy—they would take care that there should be no bankruptcy, no ruin. We tell them now to continue that trust; we will take care that there shall be no death from plethora. We will stop the supply by reducing the tax. That gentleman ought, in the course of his remarks, (if he really designed to act the counsellor,) to have read his friends in the White House a lecture on the subject of their own delinquencies.

Having an overflowing Treasury, and millions upon millions daily accumulating there—owing $6,000,000 to Mexico, all of which was bearing interest—why did they not, as they were urged to do by the Mexican Government, pay that debt, and thus dispose of that amount of surplus, and stop the interest on $6,000,000? Though urged in the strongest terms which necessity could prompt, and even our magnanimity as a nation appealed to, the Administration refused to anticipate that debt, preferring to pay the interest on $6,000,000, and at the same time purchasing at a premium of fourteen per cent. our own bonds having years to run. I did all I could to prevent this; but I was not heeded. And here candor compels me to say that the Democratic party in this House failed to do their duty in this matter, in not coercing the Administration to pay Mexico her debt at the time and in the manner she desired.

Now, Mr. Chairman, I am unwilling that this large amount of surplus revenue should remain in the Treasury, or that any more should accumulate;

but while I do not believe that this surplus of $14,000,000 will produce any great commercial revulsion, still I object to its remaining there and accumulating. It may lead to improvident legislation, and hence I should be willing to see the Administration purchasing up our bonds at fifteen or even twenty per cent. premium.

MODIFICATION OF THE TARIFF.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

December 14, 1852,

On the Tariff question; delivered in the Committee of the Whole, on the motion to refer the Annual Message of the President to the several committees.

Mr. MILLSON said:

Mr. CHAIRMAN: My friend from Ohio, [Mr. STANTON,] who has just taken his seat, is a perfect embodiment of the effete protective policy. I shall have something to say presently, in reply to some of the positions he has assumed in this debate. Before I do so, however, I wish to address myself to the subject more immediately before the committee. Just one week ago, the gentleman from New York [Mr. BROOKS] introduced a resolution providing that so much of the President's message as relates to the tariff and revenue from customs should be referred to a select committee, with power to examine witnesses and collect testimony here and elsewhere, and with instructions to report as soon as possible upon the same, with a bill reducing the duties on imports, to such an amount as may be required for an economical administration of the Government. The introduction of this resolution gave me great satisfaction. I had long desired; I will not say expected, a movement of this sort; but I had not dared to hope that such a resolution would have been first submitted by a gentleman on the other side of the House. I desired it because, as I said a day or two ago, I have thought, from the very moment of the passage of the tariff of 1846, that these duties were, to a great extent, protective, and that they ought to be materially reduced. At a large Democratic meeting held in my own city, a few days after the passage of that act, I had the honor to submit a resolution upon this subject, which was unanimously adopted. It was in these words:

"*Resolved, therefore*, That this meeting warmly approves the passage of the tariff act of 1846, *regarding it as only the first step* on the part of the United States towards that more liberal and enlightened system of international intercourse which is about to be established throughout the world, and believing that it will ere long be followed by such further reductions of duties as are imperatively demanded by the spirit of the age."

I confess I felt some surprise that this movement for the reduction of the tariff should have been commenced by the gentleman from New York; but I was not less pleased than surprised. I differ from some of my friends in believing that the present is a very appropriate time for the consideration of this most important subject. It is true, as my friend from Virginia [Mr. BAYLY] has intimated, that the Administration is about to retire from power; but if the gentleman from New York is to be regarded as speaking the wishes of the Administration, I am perfectly willing to concede to Mr. Fillmore the honor of effecting the final overthrow of the protective policy. The President elect recently said that the hour of triumph was the hour of magnanimity; and if the present President of the United States desires to prostrate the protective system, why, in the spirit of magnanimity, I am willing to concede that credit to him

Mr. STANLY. I wish to inquire if this movement is by authority of the Administration. I understood it to be an individual movement on the part of the gentleman from New York, [Mr. BROOKS.]

Mr. MILLSON. I was about to consider the subject in both aspects, and on either supposition. If the gentleman from New York did not express the sentiments and wishes of the Administration, if he meant to oppose the views contained in the President's message, then I was willing, as one conscientiously opposed to the whole protective policy, that on the very day after the reception of the President's message here, the House of Representatives should indicate their determination to prostrate this policy forever. But, sir, recent developments lead me to believe that neither the President nor the gentleman himself desired to do any harm to the protective system. For although the language of the resolution was such as I heartily approved, and although the gentleman himself says that he disclosed his hand and told us what he was seeking, yet it seems that his purposes were very different from mine. Since that time he has introduced another resolution differing materially from the first. That resolution does not contain any instruction to reduce the duties, but simply provides "that so much of the President's message as relates to the tariff and customs from revenue shall be referred to a select committee, with power to examine witnesses and collect testimony here and elsewhere, and with instructions to report by bill or otherwise on or before the 25th January next." Now, I am by no means willing to go for the second resolution of the gentleman from New York, unless it shall be amended either by the adoption of the amendment proposed by the gentleman from Indiana, [Mr. LOCKHART,] or that suggested by the gentleman from Tennessee, [Mr. JONES.] Without these amendments, I will not vote to create this committee, for the reason that it will be nothing more than such a commission as has been raised in the Senate, and from which no good would be likely to come, at least to those who do not want to confirm and bolster up the protective policy.

The gentleman from New York and I differ widely in regard to the objects to be secured by the adoption even of his first resolution. Looking to the language of the resolution which instructed the committee to report a bill reducing the duties on imports, I gave it my hearty support; and I may be permitted to confess my regret that it was not voted for, more generally, by gentlemen upon this side of the House. I must also express my surprise, that so many of the friends of protection, perhaps unwarily, gave their votes for its adoption. I do not think the course of either party would be precisely the same now as it was last Tuesday. I doubt if gentlemen upon the other side of the House would be so willing to vote for the resolution of the gentleman from New York as they then were; and I do not believe the gentleman from New York would be himself willing to vote for his own resolution if it were before us now, in the precise shape in which he first introduced it. The gentleman's object was to reduce the duties by enlarging the free list, and he said that that was an object common to both sides of the House. He wishes to abolish the duties on the raw materials entering into the composition of manufactured articles. The gentleman says:

"It seems to me that to this proposition there should be no objection. And I hope that there will be no objection on any side of the House to an enlargement of the lists of free articles and a reduction or abolition of duty upon many of the articles which enter into the composition of manufactures; for, in the first place, my Whig friends are aware that that will be a species of incidental, legitimate protection, of which the other side of the House cannot complain."

The gentleman is mistaken; we do complain and will complain of any such protection:

"And my Democratic friends will be aware that whatever contemplates a reduction of the revenue in any form, if it be to reduce the price of the manufactured article consumed, as they contend it does, is a proposition which has already met with favor, and which in its details cannot but be admitted into favor by them again."

Now, I admit that the gentleman from New York is entirely right in supposing that by placing on the free list the various articles which enter into the composition of domestic manufactures, you will probably reduce the prices of the manufactured articles. In that respect the people of the country, as consumers of those articles, will perhaps save something; but they will be losers to a very great extent in a particular to which the gentleman has not referred, if the duty should be abolished upon dye-stuffs, and the raw material entering into the composition of domestic fabrics. Suppose the existing duty of five per cent. on dye-stuffs to amount to five per cent. of the cost of the manufactured article. It is unquestionably true that by the abolition of this duty the price of the article might, and perhaps would, be reduced five per cent. If it sold for one dollar before, it could be sold for ninety-five cents afterwards. But this saving of price to the consumer could not be effected without considerable loss to the people in other respects, which I will proceed to explain.

Let me suppose that our consumption of a particular kind of manufactures amounts to two hundred dollars, one half of them being made in this country, and the other half imported from abroad. Each article sells for one dollar. The price of the American article is composed of two elements; the cost, ninety-five cents, and the duty upon the raw material entering into its composition, amounting to five per cent., together making one dollar. The elements of price in the foreign article are cost, seventy cents, and duty thirty cents. Now, sir, the abolition of the duty of five per cent., by placing the raw material on the free list, will enable the American manufacturer to sell the article at ninety-five cents instead of a dollar, which must continue to be the price of the foreign article, and he thus gets rid of competition from abroad, and monopolizes the market. For the foreign article will not be imported if it cannot be sold without loss; and as the cost and duty together amount to one dollar, it cannot, without loss, be sold for ninety-five cents.

Now, sir, the people, it is true, gain five per cent. on each hundred dollars of value, making on the whole consumption of two hundred dollars a gain of ten dollars. But what do they lose? They lose in their revenue five per cent., or five dollars, from the abolition of the duty which they get from the raw material used in making the domestic manufactures; and they also lose the thirty per cent., or thirty dollars, which they levied upon the hundred dollars worth of foreign articles imported. The gain to the people, as consumers, is ten dollars; the loss to the Treasury of the people, which of course is their own loss, is thirty-five dollars. Now, sir, I am not willing to save to the people ten dollars at the cost of thirty-five dollars. We should reduce the duty upon manufactured fabrics in precisely the same proportion that we reduce it upon the raw material, otherwise there will be no balancing of the loss and gain. If at the same time that you abolish the five per cent. duty on the raw material you reduce the duty correspondingly upon the imported manufactures, then the loss to the revenue will be compensated by the gain to the people in the consumption of the article. To abolish the duty upon the raw material without a corresponding reduction upon imported fabrics, would be precisely equivalent to an appropriation of the amount of the duty out of the Treasury, to be bestowed in bounties to the manufacturers, to sustain them against foreign competition.

This view of the case leads me to notice the argument submitted yesterday by the gentleman from Pennsylvania, [Mr. JONES,] who said that it made no difference to the people of the country whether, when money was to be raised, you selected two articles and imposed an equal duty on each, or whether you exempted one altogether, and imposed a double duty upon the other. Sir, in addition to the answers given by the gentleman from North Carolina [Mr. CLINGMAN] and my colleague, [Mr. MEADE,] I suggest another, and it is this: That the very object of the imposition of the double duty upon one article is to give protection to similar articles of domestic manufacture, by preventing, or at least diminishing, the importation of those foreign articles that would come into competition with them. If this were not the object, there would be no reason for it at all; and if this object were not to some extent accomplished, it would not be attempted. The result, then, is, that instead of collecting the whole amount of duty as before, you exclude, perhaps, half the articles formerly imported, and, of course, get only half the duty. If, after subjecting an article to a double duty, you continued to import the same quantity as before, you would undoubtedly collect the same revenue by putting the whole burden upon one article and exempting the other, as when you divided it between the two. But, as I have shown, the effect will be to diminish the importation, and, of course, to diminish the revenue; and you will then be subjected to the necessity of imposing new taxes upon some new subject of taxation to make up the deficiency.

Mr. JONES, of Pennsylvania, (interposing.)

I wish to correct the gentleman as to my position. It was this, that it made no difference whether the tax was imposed upon one of two articles, or equally upon both, provided the article upon which it was imposed was an article of general consumption and equally distributed the burden among the masses of the consumers.

Mr. MILLSON. Well, sir, the gentleman surely had an object in urging that argument, and his object undoubtedly was to show that incidental protection might properly be given to particular interests in this country, by the imposition of a larger duty upon competing articles imported from abroad, than upon articles which did not come in competition with those of our own production. That being the case, there would have been no force at all in the argument of the gentleman, unless he meant to contend that the reason for imposing high duties upon some articles and exempting others from all taxes, was to give incidental protection to the manufacturers of the articles thus selected for taxation. And I am now proceeding to show that there must be a loss to the people from such an arrangement of duties, because if it secured the desired protection, as it undoubtedly would, to some extent, it could only be by excluding a portion of the foreign fabrics which come into competition with our own. The revenue would thus be reduced, and we should be compelled to lay new taxes to supply the deficiency. This is not the only loss, and it is by no means the greatest. It is indeed the most inconsiderable. The burden which is most grievous is the increase in the cost of what we have occasion to use, by compelling us to purchase from the domestic manufacturer at prices more than his wares are worth. I say more than his wares are worth, because, but for the pains taken to exclude similar foreign wares by an amount of duty which only a few of them can bear, we should be able to purchase them at far lower rates of price.

I suggest, then, to the gentleman from New York, and to the gentleman from Pennsylvania, that the people have never complained of those duties which bring money into the Treasury. They complain of those duties which keep money out of the Treasury. They complain of the operation of those duties which, while they are laid seemingly with a view to the collection of revenue, are really imposed for the purpose of giving protection to certain domestic interests by the exclusion of a large amount of foreign importations. Now, we all know that under the operation of the tariff of 1842, and perhaps under the operation of the tariff of 1846, the consuming classes of this country pay a much larger amount for the protection of certain interests, in some of the States, than they contribute to the revenue of the United States. Why, sixteen protected articles alone, under the tariff of 1842, were estimated to impose a tax of upwards of $76,000,000 upon the consumption of the country, in addition to the amount contributed by the people to the revenue. I cannot, then, go with the gentleman from New York in his efforts to enlarge the free lists by abolishing the trifling duties now imposed upon the raw materials used by the manufacturers. This would only aggravate the existing evil. They bring money into the Treasury, and, as I have shown, they serve to protect us from losses to which their abolition would to some extent expose us. No, sir; the duties that I desire to see reduced are those amounting to thirty or forty dollars in the hundred, which are laid not so much for the purpose of raising revenue as of destroying revenue; that add nothing to the common Treasury, which is our common property, but serve only to transfer millions from the possession of the agricultural, mechanical, and commercial classes of our people, into the pockets of other and less numerous classes without a fair equivalent.

But after all, what is meant by this demand for the exemption of the raw material from all duty? What is the raw material? Are we to consider such, whatever requires labor to fit it for its ultimate use? Then, sir, iron is the raw material of the smith; cloth is the raw material of the tailor; silk plush of the modern hatter; sugar of the confectioner. Are we to exempt all these from duty? Perhaps the gentleman from New York would be more unwilling to do so than I should be.

In assuming, Mr. Chairman, that a reduction of five per cent. upon the manufactured article would be necessary to balance the reduction of five per cent. upon the imported materials, which enter into the composition of our domestic fabrics, I merely take those sums for the sake of convenient and simple illustration. The cost of the raw material may not be more than one twentieth of the whole cost of the manufactured article; and of course, the present duty, which is only five per cent., would be only one twentieth of that, or one four-hundredth part of the whole cost. That would be equivalent to a tax of only twenty-five cents on a hundred dollars of value. It is only for the sake of illustration, that I assume a reduction of five per cent. in the duty imposed on the imported fabric, as balancing a reduction of five per cent. on the raw material.

In connection with this subject, I desire to notice the positions taken by the President of the United States in his last annual message.

The President says:

"Without repeating the arguments contained in my former message, in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is, the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased."

It seems to me the President has adopted a somewhat inverted order of explaining his views. He calls our attention to the effect of the large importation of foreign goods upon our currency. He has mistaken the effect for the cause. He might as well have invited our attention to the effect produced by the flowing of a river upon the attraction of gravitation. Why, sir, it is the increase of the currency which has produced these large importations. It is because of the large exportation of gold, taken from the mines of California, that our imports have increased. Yet the President calls our attention to the effect of these large foreign imports upon the currency of the country. He says that the gold from California finds its way out of the country as soon as it is coined. Certainly it does. For what purpose was it taken from the mines, if it was not to be used in the purchase of commodities? Would the President have it kept at home, instead of exchanging it for those articles which are necessary for our comfort and enjoyment? How would that add to our national wealth? Can a nation, any more than an individual, advance its interests or promote its happiness by hoarding up its money, and constantly adding to its store, without applying it to the purchase from others of such things as we may want? In that case we should soon realize the fable of Midas starving on his golden banquet. Were the immense amounts of gold taken from the mines in California retained at home, instead of being diffused throughout the world, the consequences would be most disastrous to us. I fear that even as it is, the large quantities of gold, annually added to our circulation from the mines in California and Australia, must produce much mischief. Sir, when I first heard, some five or six years ago, of the discovery of gold in California, I felt and expressed serious apprehensions as to the results. I feared that the great influx of gold would too much inflate the currency of the country, bloat prices, and unsettle the transactions of life. It is a great error to suppose that it is desirable to increase the quantities of money. This cannot be done without diminishing its value. Sir, what is money? I have not time fully to develop my views upon this subject; it would furnish a theme for a protracted discourse. I will only state that money, in its strict and proper use and office, is but a token or sign of the claim of the holder upon the community for something earned, but not received. Wherever the use of money is known, this claim is acknowledged, and its extent is measured by the quantity or conventional value of these tokens. Upon an universal settlement of accounts, if such a thing were possible, all the money in the world would be in the possession, in greater or less quantities, of those who were found to be creditors upon such a settlement, or of those to whom they might from time to time have assigned it. Vast additions of money, therefore, beyond the amount necessary to repair the annual losses, made to the existing circulation by those who take it with little labor from the mines, and are not in truth the creditors of the community, cannot but be a sort of injustice to the *bona fide* holders.

But the President seems to fear that there will soon be a commercial revulsion—that another crisis is at hand! Sir, I see nothing to justify such an apprehension, if the official reports are correct, as I presume they are. What does the President tell us in his last message? He says that the imports during the last year amounted to $207,240,101, to which add the specie imported, $5,262,643, and the total imports were $212,502,744. The exports, exclusive of specie, were $149,861,911; foreign merchandise re-exported $17,204,026; specie, $42,507,285; making a total of $209,573,222.

Sir, the returns of the preceding year exhibit a like healthy condition of things. From these returns the excess of the imports seems to be only $2,929,522; from which I infer that we have still a large credit in Europe upon the transactions of the last year, the exports being greatly more than enough to settle the apparent balance against us.

It may be said that although there is an excess of only $2,929,522 of imports over the exports, this is because so large a proportion of the exports has been in specie.

If we turn to the President's message, we will find that the exports of specie have been only $42,000,000, and the imports $5,000,000, showing an excess of exports over imports of $37,000,000, which is an amount greatly below the products of the California gold mines. At this day, according to the official statement of the President of the United States, we have a larger amount of specie in the country, than we had at the commencement of the fiscal year. I have not been able to obtain any accurate statement of the products of the California mines, but I presume they have been at least as large as those of the mines of Australia; and we know that during the last year $50,000,000 have been produced from those mines. I take it for granted, therefore, that $50,000,000 have been produced from the mines of California. What, then, do we see? We have exported only $37,000,000, while we have received from the California mines $50,000,000, leaving a large surplus or balance remaining in the country beyond the quantity we had at the beginning of the year. Now, I say that we should probably have been in a more wholesome condition, if still larger quantities of gold had been sent away. We might not then have had that expansion of prices which has produced such an alteration in the relations between debtor and creditor, and has caused so much inconvenience, and even distress among many of the working classes.

But, sir, as to this excess of imports over exports, appearing in our official returns, it has always been the case. From the foundation of our Government to the present time, our statistics will show that there has been an apparent excess of imports over exports of several hundred millions of dollars. The late returns give us no reason to apprehend that what is called the balance of trade has been against us during the present or the past year. The value of the exports will always, in the official returns, fall below the value of the imports. It has always been so, and will always continue to be so. There are many credits to which we are entitled, that cancel these apparent balances against us, but which never appear in the official returns of our exports. Freight, and commercial profits in themselves, amount to considerable sums. Mr. Walker, in one of his reports to Congress, says that the products of our whale fisheries are even included in the list of imports, to the amount of several millions yearly.

But suppose it were true that our imports did far exceed our exports. It is the fashion of the day to consider this a very disastrous state of things. Even Mr. Walker seems to have fallen into the prevailing error, if it be one—for I speak of so eminent an authority with all possible diffidence—of supposing that if the imports of a nation are greatly above the exports, it would be a very unhappy condition of affairs. Now, I am not treating the subject in its moral relations, and in its connection with good faith and honesty, but as a mere question of political economy. I say, that if for a long series of years, a nation receives more than it returns—if the wealth added to it exceeds that taken from it, our sympathies would be somewhat

misapplied if we should bewail her condition. If she should never pay the balance at all, we might be excused perhaps for sympathizing with those unfortunate creditors who hold unsatisfied demands against her. I know that the effort to pay, and the consequent decline of prices, often occasion real distress; but I am speaking of the condition of a country that should always receive more than it gave, if indeed such a state of things was ever known.

But I will go on with the President's message. He says:

"In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost; thousands of honest and industrious citizens are thrown out of employment, and the farmer to that extent is deprived of a home market for the sale of his surplus produce."

The President here complains, first, that thousands of citizens are thrown out of employment; and secondly, that the farmer loses the home market—that is to say, he can no longer sell anything to those thousands of citizens who are thrown out of employment.

Now, as to the first head of complaint, the President seems to think that it is the great object of civilized society to give employment to labor, without regard to its productiveness, but merely for the sake of its employment. I might say, in reply, that it is one of the objects of civilization, to throw labor out of employment, at least temporarily, and that this is always done when a new labor-saving machine is invented. The world generally regards him as the greatest benefactor of his species, who, in this way, succeeds in throwing the largest number of men out of employment. Would it be deemed a national calamity, if some person should invent a machine by which one man was enabled to do the work of fifty? We know that every such machine, though its first effect is to deprive men of employment, only adds to the demand for human labor. The great object is to make labor profitable, and to dispense with all that is unprofitable. If it be true, then, that opening our markets to foreign competition, will have the effect of enabling us to dispense with the unprofitable labor of any portion of our own population, it would be no more a subject of regret, than if such labor had been superseded by the invention of some new machine. Sir, if it was the object of society to give employment to labor, however unprofitable it might be, it could be very readily accomplished. You need do nothing more than destroy all your labor-saving machines. But you wish to employ your neighbor in preference to foreigners. And so do I, where his labor is productive. But the world would soon stand still—nay, would speedily retrograde, if you should foster unproductive industry, merely because it was your neighbor's! Would you employ your neighbor to cut down your harvest with knives instead of scythes, for the sake of employing the largest number, and for the longest time? Would you call in your neighbor doctor to prescribe for you when you are not sick, or when a simple root would cure you of your ailment, for the benevolent purpose of giving him something to do? No, sir. It may be true—I hope it is true—that by the abolition of protective duties, you throw out of employment men engaged in the production of articles for which they are not fitted; and if that was not the effect, no good would be done by the abolition of protective duties. That is the end contemplated; that is the end designed. For whenever there are men who, by legislative means, are enabled to compel the people of this country to pay more for any article than it is worth, I desire that the market should be opened to competition, even though they might thus be thrown out of employment. The great object should be to give employment to productive and useful labor. The increasing population of the world demands a corresponding increase in the productiveness of human labor. Destroy your labor-saving machines, abandon the use of horses, mules, and other labor which comes in competition with the labor of man, and the large population now upon the globe would perish miserably. They could not be sustained.

In order to secure employment to unprofitable labor, you must tax the country to an amount greatly exceeding the benefit resulting to the parties protected; and it would be better for those who have to bear the burdens of these taxes, to make up a fund sufficient to support these unprofitable laborers in absolute idleness, provided they were then left at liberty to supply their wants in the cheaper markets of the world. It would be some consolation to us, under the operation of a protective tariff, to know that what was lost by us, was wholly gained by the protected classes; but it is hardly fair to impose a tax upon our people of fifty, or a hundred per cent., to enable the manufacturers to make ten. No, sir, the surest way to protect American labor, is to develop our resources, and cultivate our best talent. We cannot make a better world than the Almighty has made. It is said that Mr. Pope, applying a very exaggerated sort of flattery to Sir Godfrey Kneller, once whispered to him that if he had been consulted at the creation he could have furnished some useful hints. The vain old man replied, "I think I could, Mr. Pope." I do not know whether gentlemen who sustain the protective, or forcing system, are dissatisfied with the existing arrangements of Providence, but let me suggest to them, that we can scarcely improve upon Divine wisdom. Let us apply ourselves to the production of such things as are suited to our soil, climate, and condition. The diversities in each should instruct us that we were intended to hold commerce with our fellowman for the supply of those wants that no one country can fully satisfy, and that in this mode civilization and christianity are to be extended to the remotest borders of the earth.

The President complains of the loss of our home market. My friend from Ohio, [Mr. STANTON,] too, thinks this home market very important to the farmer. What do they mean by a home market? Of course they only mean that market which is dependent upon the protective system, for none other could be affected by its abolition. They cannot suppose that the whole home market of the country is dependent upon the protective policy, for there have always been other pursuits than that of agriculture, and almost from the beginning of the world men have bought and sold in their own country, and have thus had what we call a home market. What the President means by the home market, which is to be lost to the farmer upon the destruction of the protective policy, is that artificial market which is built up by the tariff. It is the demand of the protected classes for such things as they have occasion to use; or rather, to be more exact, so much of that demand as is stimulated and increased by the law securing employment to them in their new pursuits. This demand of the manufacturers for the commodities which they use, is elegantly termed the home market. Now, sir, I grant that this artificial home market is dependent on protection, and will be destroyed by the prostration of the protective policy. It is a very small market, though gentlemen on the other side attempt to magnify its importance. So far as I am concerned, sir, it shall be as large as they please, and the larger the better for the purposes of my argument. For as this artificial market is created by compelling us to buy from those who sell the protected commodities, for which we are obliged to pay more than they are worth, the more we deal with them, the more must we lose. What they buy from us must depend on what we buy from them, and the greater this home market therefore, the greater is the loss.

The gentleman from Ohio [Mr. STANTON] said just now, that he wished to build up a consuming class to create a market for the agricultural products of the country. This is protection with a vengeance! A distinguished Whig statesman from Maine, [Mr. Evans,] said something like this seven or eight years ago. He said that by protection, the manufacturers were lifted up to be consumers. If we have commodities that we wish to sell, it is very easy to create such a market as this. We have only to supply others with the money necessary to purchase them, and then congratulate ourselves that we have met with a sale. Such consumers of our productions may readily be found if we only give notice that we will ourselves furnish the money with which they are to purchase them.

But gentlemen say that we must build up a home market, as foreign nations will not buy our productions. This is a great mistake in fact, but it is a no less serious error of principle. The method adopted for creating the home market, is by excluding their manufactures by a protective tariff, and compelling the people to buy and sell at home. Now, this very necessity for legislative exclusion proves that we could get their manufactures if this means were not resorted to. How could we get them unless we paid for them in our productions, or at least in money? As long as we have either, why shall we be prevented from buying them? If they will not take our productions in exchange, and we have no more money to send them, why, then, they will no longer consent to supply us. If they did, we should get their goods for nothing. Depend upon it, sir, they will not do that. If, then, they will not take our agricultural productions, there is no necessity for our resolving that we will not take their goods, for we could not get them if we would. The prohibition, then, if it has any practical operation, is mischievous; if it has none, it is absurd.

The President says:

"In the third place, the destruction of our manufactures leaves the foreigner without any competition in our market, and he consequently raises the price of the article sent here for sale, as is seen in the increased cost of iron imported from England."

Surely the President cannot suppose that the recent increase in the price of iron is in any way connected with the tariff of 1846. But let me examine his general argument. The position that the destruction of our manufactures—I suppose he means those only that cannot be sustained without the aid of the Government—would leave the foreigner without any competition in our market, and that the price would consequently be raised, is altogether erroneous. There is a very fashionable mode of stating the argument upon this subject, and that is by speaking, not of foreign manufacturers, but of the foreign manufacturer, as if there was but one foreign manufacturer in the world. Though perhaps not designed, the argument is pressed, exactly as if we had but one person competing with our manufacturers abroad, and that, in a certain contingency, he was to have the monopoly of our markets, and to demand such prices as he pleased. The President seems to have adopted this form of expression. He speaks of the foreigner, and of his competition with us, and of our competition with him. He forgets that there are hundreds of thousands of foreigners all competing, not only with us, but with one another.

Suppose it was true, then, that the abolition of the duty would either immediately or remotely raise the price, what would be the result? If these foreign manufacturers, notwithstanding the heavy duty of thirty or forty per cent. which they pay, can compete as they now do with our own, then, if they should raise their prices after the abolition of the duty, or continue to demand and receive the same prices as before, they would add the whole amount of this duty to their former profits. If their present profits excite competition abroad, how much more would that competition be stimulated, when, in addition to the small profits they now get, they secured the larger profit equal to the heavy tax now imposed upon them? No man pretends that the profits of our own manufacturers are equal to the duty upon the foreign article. But, upon the President's supposition of a rise of prices, the profit of the foreign manufacturers would be greater than the duty upon the protected article. If, then, this smaller profit at home excites competition here, how much more would the greater profit abroad stimulate competition there.

No, sir, the result could not be as the President supposes. The abolition of the duty would not be followed by a rise of price. The market would not be secured to the foreigner without competition. You would have a more active competition than before; for the manufacturers of the whole world would compete with one another to supply your wants.

This competition would be much greater than the combined competition of foreigners and our own manufacturers, under the operation of the protective system. The reason is obvious. The high prices occasioned by the heavy duties diminish consumption. There would be a less number of men necessary to supply the smaller demand, than would be employed to supply the larger consumption that would follow the cheapening of the price. There is no force, then, in the argument

that you diminish the number of competitors by abolishing protective duties. I had hoped that no one, in this age of the world, would have again urged the argument that the effect of protection was to lower prices. If this were really so, we should still be losers; for no one has ever pretended that the price could be lowered by an amount equal to the duty on foreign goods, which, of course, we lose when our own are consumed in their stead. These arguments of the protectionists imply great disinterestedness on the part of our manufacturers, who contend for the privilege of buying from us in the home market at the high est possible price, and of selling their goods to us at the cheapest possible rate!

The gentleman from Ohio [Mr. Stanton] said this morning that he desired protection for protection sake. The gentleman from Pennsylvania [Mr. Jones] says, however, that all he wants is such incidental protection as may be secured by a revenue tariff. But what idea has my friend from Pennsylvania of a revenue tariff? Does he mean such a tax as will produce the highest amount of revenue? Is that what the gentleman means?

Mr. JONES, of Pennsylvania, (interrupting.) What I meant to state, and did state at the time, was this, that I wanted a revenue tariff, that is, a tariff adjusted for revenue, that being its primary object; and in connection with that, and having that always in view, I would put the duties upon that class of articles—looking upon it as a tax-bill—which would impose the burden of taxes as nearly equal as possible upon the mass of consumers.

I would adjust the duty according to a revenue standard; but in so doing I never would lose sight of the consideration that we were imposing a tax on the masses of the people. I said that the article of iron is consumed in the main by railroad and steamship companies and other corporations, and that, in relieving them from the payment of duty, the burdens of the Government will fall on the poorer class—the class least able to bear them.

Mr. MILLSON. The gentleman would impose such a duty as would raise revenue and secure incidental protection. Now I say, that the combination of revenue with protection, is a moral and physical impossibility. A tariff to be protective, must be prohibitory to the extent it is protective. A revenue tariff gives no protection, and a protective tariff gives no revenue.

Of course, I speak of the respective operations of the revenue and protective features of a tariff. Both may be found in the same law, and in that way it may at once give protection and raise revenue. But I say that so much of its operation as gives protection, raises no revenue; and so much as raises revenue, gives no protection. You cannot combine revenue with protection. A tariff must always be prohibitory to the extent that it is protective. I do not deny that under the operation of a particular rate of duty, some articles may be excluded from the country, while others may still find their way in, after paying the duty; but I say that every article that is introduced into the country, interferes with the home manufacture, and to that extent deprives it of protection. On the other hand, to the precise extent that the foreign competition is prevented, revenue is destroyed. If the tax imposed on foreign goods be too low to exclude any of them, no protection is given; and the only effect of the tax is to raise revenue. If such a tax is laid as excludes all foreign goods, then you raise no revenue, and the duty has no effect but to give protection. If you impose a tax that will equalize foreign and domestic prices, so that one half the quantity of goods necessary for our consumption shall be furnished by the home manufacturer, and the other half shall continue to come in from abroad, then to the extent that it excludes the moiety of foreign imports, it is protective, prohibitory, and gives no revenue; and to the extent that it admits the other half, and raises revenue upon them, it gives no protection. It gives no protection, because the goods thus admitted come into competition with those of the home manufacturers, and diminish their sales by the amount of the foreign supply.

I think, sir, that duties ought to be imposed with exclusive reference to revenue. But it does not follow that that duty which will yield the largest amount of revenue, ought always to be adopted. The rule should be to fix such a duty as will raise the greatest revenue at the least cost. It may be that a particular rate of duty may raise the largest amount of money, but at the same time, it may so enhance the price of the article taxed as to enable similar articles manufactured at home to be sold at the same high price. Under the operation of such a tax a large revenue might be raised, but heavy burdens would thus be laid upon the people in the amounts paid to the protected interests. This would be as unwise as it would be, in laying direct taxes, to select some subject, which, while it would yield you a larger gross revenue than any other, would involve so great a cost of collection as to bring a smaller amount into the Treasury.

CUBAN ANNEXATION.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

In the House of Representatives,

December 14, 1852,

On the annexation of Cuba; delivered in the Committee of the Whole, on the motion to refer the Annual Message of the President to the several committees.

Mr. GIDDINGS. Mr. Chairman, I have risen with no intention to participate in this discussion of the tariff. I abstain from it for the reason that it has been discussed for more than thirty years, by the ablest men in the nation, and no new theory or thoughts are likely to be elicited at this time. I abstain from it for the reaons that there is now no party which avows the protective policy. I also abstain from its discussion for the reason that the ablest advocates of protection have, since the late presidential election, declared that policy to be *dead*—that it now *sleeps with its great advocate, Henry Clay.*

Why, sir, during the recent campaign, a Whig missionary, formerly a member of this body, was sent from New York city to Ohio, to inform us that unless the tariff were *increased*, the country would be ruined; and here, sir, on the second day of the session, his Whig successor, elected with the aid of his vote and influence, moved a resolution to *reduce* the tariff. Now, it is quite evident that whether it be increased or diminished, the Whigs of New York are to enjoy the victory, for they are on both sides of the question. But I think there is an intention on the part of the majority of the House, to do neither, and thereby disappoint both factions of the New York Whigs. [Laughter.]

Its discussion at this time, is unseasonable and out of place. The short session will not afford sufficient opportunity to mature a readjustment of the duties on imports; and, sir, we are all conscious that the responsibility rests upon the majority of this body, who are evidently disinclined to enter upon it at present. Our country was never more prosperous; and never did the people feel less desirous of a change of tariff than at this time. That indifference was very apparent during the late political campaign. If our most popular speakers attempted to discuss this subject, their meetings would "grow small by degrees, and beautifully less." So, too, during the three days this body has been occupied by it. Members would not listen to the eloquent speeches presented by their colleagues; and most of that time, our Hall has been nearly deserted.

The discussion has become "flat, stale, and unprofitable." And whatever my feelings may be, I cannot disguise the fact, that the popular tendency in England, throughout Europe, and in this country, is toward free trade. Experience is the only test which can be applied to these theories. The truth of this remark is exemplified in the operation of the present tariff. At the time of its adoption, we were told that it would not produce revenue sufficient to carry on the Government. Yet although our expenditures were nearly doubled by the Mexican war, we have now more revenue than sufficient to meet all demands upon our Treasury. These facts should teach us to be less tenacious of our theories, and more willing to be guided by experience.

We are all conscious that but one great interest in these United States is now protected by a prohibitory tariff; that is, the slave-breeding interest of Virginia and the other northern slave States. We protect the slave grower by visiting the penalty of death upon those who import slaves to the injury of our own citizens, who rear boys and girls for the market. These facts stand prominent upon the history of our times. We have secured to the slave-dealers of this nation a monopoly of the crime of buying and selling human flesh.

Now, sir, with all kindness, I will say to those advocates for protection to northern labor, that while they make merchandise of the southern laborer, of his wife and children, it will be in vain for them to profess humane sympathy for the free and independent laborers of the North. While you profess an anxious solicitude for the pecuniary interest of the laborer in the cotton mill, and at the same time make merchandise of the bone and sinews, the blood and muscle of him who cultivates the raw material, the people will pronounce you hypocrites.

I this morning read in one of our papers an account of a slave mother, having four children whom she tenderly loved. Her soul yearned for their happiness. But her master contracted to deliver them to a slave-dealer. She vainly implored him to desist from his purpose. He persisted; and as she saw her offspring about to be torn from her embrace, she felt unable to meet such separation, and in order to save her loved ones from the suffering and degradation to which your laws consigned them, she mercifully deprived them of life. A few days afterwards, she was herself consigned to the gallows, for this manifestation of her affection; and the whole family of five persons were placed beyond the further cruelty of your laws.

Now, sir, while we continue in force laws which inflict such suffering upon one portion of our fellow-mortals, and at the same time profess an anxiety for the pecuniary interest of another portion, will not all candid men charge us with hypocricy and falsehood?

Mr. JOHNSON, of Tennesee, said, if he understood the gentleman from Ohio, he was in favor of removing the protection to slave labor by repealing the law which prohibits the importation of slaves.

Mr. GIDDINGS. The gentleman is mistaken; it was the protection of the slave *grower* to which I referred. It is the law of Congress, which authorizes the domestic slave trade, that I condemn. That traffic is far more barbarous than the foreign slave trade which we very properly characterize as *piracy*, and punish with death. Dealing in human flesh is, in a moral point of view, a naked, undisguised piracy; it is so regarded by all reflecting men; and those who traffic in human flesh, either here, in Africa, or elsewhere, and all who advise, aid, counsel, or encourage such traffic, are guilty, and deserve death upon the gallows. The manner in which we aid and encourage this crime is immaterial. If we lend that encouragement by passing laws to protect the slave-dealer, or by lending our influence to retain such laws in force, we are as guilty as he who actually buys and sells the victims of this traffic, and we, sir, deserve death as much as he does. I would not hang the ignorant sailor who goes to Africa and purchases men and women there, and spare the member of Congress who exerts his influence to continue the same crimes here. Had I the power to punish these crimes, I would inflict the same penalty upon every man who deals in human flesh, or who authorizes or encourages such traffic.

I observed that the honorable gentleman from Pennsylvania [Mr. Jones] took occasion, while discussing the tariff, to say that the Democracy of his State were in favor of the fugitive law; but it is somewhat remarkable that the President, in his message, makes no mention of that law. It is said, that during the last three months more fugitives have found their way to Canada than ever previously emigrated to that province in the same space of time. They went singly, in pairs, in companies of five, of ten; and sometimes twenty or more traveled together. Scarcely a slave-catcher interposed to prevent this tide of emigration; and those who made attempts to stop them were unsuccessful. The emigrants were armed and ready for the combat. They laughed at your fugitive law, and ridiculed those who enacted and who advo-

cate its continuance. As the President is about to retire from office, he witnesses the contempt into which this, his favorite measure, has fallen, yet he fails in his last annual message to notice these facts, nor does he make even an effort to modify the popular odium which has pronounced those compromise measures *infamous*. He sees the country rapidly separating into two parties; the supporters of slavery and the advocates of liberty. He must be conscious that these parties will soon swallow up all other organizations. The *free* Democracy and the *slave* Democracy will soon characterize our political distinctions, and the Democratic principle of man's natural right to liberty will be vindicated and sustained; yet he remains silent on the subject.

And here I wish to say to the friends of liberty that our cause is advancing rapidly, and with firmer and surer pace than at any former period. The old political organizations have lost their moral power. The election of the great western statesman, Thomas H. Benton, in opposition to both the Whig and Democratic parties, shows the tendency of men to think and vote agreeably to the dictates of their own judgment, and not according to caucus dictation, or party rule. He, sir, was unconnected with all parties. He was the exponent of his own views: the people approved his sentiments, and, setting party dictation at defiance, they elected him. Nor was the election of the distinguished philanthropist from New York, Gerritt Smith, less a triumph of independent political thought and action. These distinguished gentlemen were connected with no political parties; but each was elected upon his own merits.

I have not time to speak of the election to this body of the free Democratic members, and of Whig and Democratic members elected by aid of the Free Democracy: nor are these elections, triumphant as they are, even an indication of the extent of our progress. Our principles are cherished by hundreds of thousands of the other parties, who have heretofore been unable to separate themselves from their long-cherished political organizations, but who now say they have acted with them for the last time.

Again, sir, we have enlisted the literati of our country on the side of truth, liberty, and justice. To my fair countrywomen I would say, that a lady with her pen, has done more for the cause of freedom, during the last year, than any savant, statesman, or politician of our land. That inimitable work, "Uncle Tom's Cabin," is now carrying truth to the minds of millions, who, to this time, have been deaf to the cries of the downtrodden. It is arousing the sensibilities of this country and of Europe. It goes where no other anti-slavery work ever found its way; and quietly carries conviction to the hearts of its readers. It has been dramatized, and both in this country and in Europe, the play-going public listen with intense interest to the wrongs, the revolting crimes of slavery. Thus, the theater, that "school of vice," has been subsidized to the promulgation of truth, and the hearts of thousands have been reached, who were approachable in no other way.

The clergy of the North are awakening to duty, to the calls of humanity. No longer are we called to listen to "lower law" sermons, nor are the feelings of our Christian communities shocked by reading discourses from Doctors of Divinity, intended to sanctify and encourage the most transcendent crimes which ever disgraced mankind. Churches and ecclesiastical bodies, are beginning to move in behalf of truth, of christian principles. They are purifying themselves from those who deal in God's image; they are withdrawing church fellowship from those pirates who deserve the gallows and halter, rather than a seat at the communion table of Christian churches.

I have glanced at these facts in answer to those who have spoken before me, and for the encouragement of our friends, in order to assure them, that while Whigs and Democrats in this Hall are discussing the propriety of protecting "*cotton cloth*" and "*cut nails*," the advocates of freedom have not forgotten the duty of protecting the rights of our common humanity.

But, Mr. Chairman, my principal object in rising, was to call the attention of this body and of the country, to the first in the series of resolutions presented by the honorable chairman of the Committee on Ways and Means, [Mr. HOUSTON.] It refers to our "foreign relations." The position we hold towards the Governments of Spain, Great Britain, and France, is unusually important at this time. The recent publication of the correspondence between our Executive and the Spanish Ministry has excited a deep and pervading interest throughout the country.

And, sir, I here take pleasure in vindicating the President against the assaults made upon him by some presses of the South for publishing this correspondence. With its publication he had no concern whatever. We, sir, by resolution, called for the correspondence. As the representatives of the sovereign people, we had a right to it. He had no right to withhold it. As he was bound by his oath and by the Constitution, he sent it to us. *We* ordered it printed. The people had a right to see and understand what their servants were doing on this as well as on all other subjects.

This correspondence is highly important. It shows to the country and to the civilized world, that for thirty years the Executive has exerted our national influence to maintain slavery in Cuba, in order that the institution may be rendered more secure in the United States. This policy stands out in bold relief; it pervades the whole correspondence, and was also incorporated into the instructions of our Commissioners to the Congress of Panama, although those instructions are not embraced in the communication now before us.

Both Whig and Democratic Administrations have adopted this policy; and although I have but little time to read extracts from this correspondence, I will give one from the letter of Mr. Webster, Secretary of State, marked "*Private and Confidential*," to our Consul at Havana, dated January 14, 1843, in which the author refers to reported intentions of British abolitionists and the British Ministry to aid in the abolition of slavery and in the establishment of an independent government in Cuba: he says: "If this scheme should succeed, the influence of 'Britain in this quarter, it is remarked, will be un-'limited. With six hundred thousand blacks in 'Cuba, and eight hundred thousand in her West 'India islands, *she will* (it is said) *strike a blow at* '*the existence of slavery in the United States.*" These, sir, are the words of a man who opposed all expression, by this Government, of sympathy with oppressed Hungary; who was so strongly opposed to all intervention with the affairs of other Governments in favor of liberty.

We, sir, hold our own institutions by the right of revolution, which he so severely condemned. He appears to have been shocked at the idea that liberty should be enjoyed in Cuba, and avowed himself willing to prostitute the naval and military power of the United States to uphold a system of oppression in that Island which consigns to premature graves one tenth part of its whole slave population annually—a system by which eighty thousand human victims are said to be sacrificed every year to Spanish barbarity and Spanish cupidity. Sir, at this moment the Senate are engaged in eulogizing the statesman who has himself erected this monument to perpetuate his own disgrace. They, sir, are endeavoring to falsify the truth of history; to cover up those stains upon his character which no time can erase, and no effort of friends can purify. They can never separate his memory from the great errors of his life. Sir, it is right and proper that the evil deeds of public men should be remembered, that posterity may avoid their crimes, and duly estimate their moral and political worth. Yet, sir, we were told during the recent canvass, that unless we voted for the Whig candidate, if we permitted the Democratic candidate to be elected, Cuba would be annexed and slavery extended and strengthened in the United States. Plausibility was given to this argument by a certain distinguished Senator from the West, who traveled somewhat extensively, making speeches in favor of Cuban annexation and fillibustering expeditions to that Island. I desire to say, very distinctly, that in my opinion, that gentleman "*ran before he was sent.*" He appeared anxious to obtain southern favor by making himself the advocate of what he deemed southern measures. I think if he had waited a few months, and consulted the sober reflecting statesmen of the South, they would have told him to remain quiet. But he hastened to acquire southern favor, and, like some who have gone before him, he will find hereafter that he has run his bark upon the same rock on which so many northern statesmen have made shipwreck of their political hopes. Other Democratic candidates of the North have pursued the same policy, and some Whigs have striven to keep pace in this race of servility. Among others, I notice a Whig paper in New York, of somewhat extensive circulation, avowing the policy of annexing Cuba. Others have taunted the Free Democracy with having lent our influence to that policy, by refusing to vote for the Whig candidate.

Now, sir, I would say to them, that the Free Democracy is not altogether composed of boys and unfledged politicians; nor is it guided by men destitute of experience and forethought. We, sir, look not to the other parties for guidance: we do our own thinking, and our own voting. We have our own views upon this question as well as on all others.

Gentlemen of the Democratic party who have spoken here, have alluded directly to this policy, but have carefully withheld all expression of their own views, or the views of their party, in reference to it. I had hoped to hear from gentlemen the designs of the incoming President. At least I hoped to hear what they themselves think of this policy. Are they, individually, in favor of it or against it? No one has presumed to avow his own thoughts. Now, I would say to those members, you were sent here to represent the people. Franklin Pierce was elected to carry out and execute the laws which we enact—not to represent the voice of the people in enacting laws. God has given to you the powers of thought and reflection. He has given to you judgment and conscience. It is your duty to exercise those judgments and obey your own consciences—not to wait for General Pierce to tell you how to act and what to do, nor to obtain instructions on these subjects from the incoming President, or from the members of his Cabinet. If you do this, you are not *representatives of the people*, but of General Pierce, who will take care to represent himself. If you do this, you will not deserve the name of *freemen*. No, gentlemen, you and I were commissioned to avow the popular will of the nation; and God forbid that we should wait to receive instructions from any other human being.

But, as I have remarked, no Democrat has as yet intimated the policy of the incoming Administration in regard to Cuba; and as the country is desirous of understanding what that policy will be, I will volunteer to speak for the President elect. [Laughter.] As my colleague in the Senate yesterday remarked, "I am a *Democrat*, by the grace of God, *free* and *independent;*" and as I have no doubt as to the policy of General Pierce, I will give my opinion as to his course on this subject. If he be the man—the statesman—that I take him to be, he will neither say nor *do anything about it*. He will leave it in silence. He will not follow the example of one of his predecessors, who, in his inaugural address, declared our title to the *whole* of Oregon to be *clear* and *unquestionable*, and when the British lion began to growl and show his teeth, our President backed out of his position, and surrendered one half to British rule. No; General Pierce will not be likely to follow such an example. He will look thoroughly into this subject before he commits himself in regard to it.

It is certain that former Administrations and a portion of the people of the United States have long coveted Cuba, and would gladly now wrest it from the control of Spain, if they could do so with safety. The objects for which they would do it, I have already adverted to. But an omniscient, all-wise Providence has thrown around the consummation of that great national crime such difficulties, and embarrassments, and positive dangers, that in my opinion it will never be perpetrated.

The first and only mode in which we can hope to obtain Cuba is by *peaceful, quiet purchase*. Suppose the Spanish Crown should consent to take $100,000,000, as proposed by Mr. Buchanan, for the transfer of Cuba to this Government, and our President should stipulate to pay it; I would yet say to the Spanish Cortes, and to British and to French statesmen, that not one dollar of that amount can go to the possession of Spain until this House shall make the appropriation. I wish them to understand that the people here are the

source of all political power, and their representatives control the Treasury of the country.

Now, sir, what benefit will the people of Ohio, or of any free State, receive by the annexation of Cuba, for which they are to be taxed to such a large amount? The first effect would be to bring to this Hall eleven Spanish members to enact laws to govern our people. Those Spaniards will be ignorant of our language, bred and educated under Spanish despotism, unacquainted with our institutions; men who never exercised the right of suffrage, and who have no just views of free governments. I do not think the influence of such men in this Hall would be worth $100,000,000. But the Spanish population of Cuba would not only be brought into full political association with our people, but they would come into the Union with greater advantages, influence, and power over our rights and interests than we ourselves possess. Their influence under our Constitution will be proportioned to the number of their slaves, counting five of those newly-imported Cuban negroes, fresh from the African coast, equal in moral and political influence to three of our free citizens of the North; so that the holder of five of those slaves will wield the same influence in the Federal Government which four of our northern men exercise. Now, let those representatives who really think their constituents to be worthy of only one fourth part of the moral and political influence to which those Cuban slaveholders are entitled, vote to give the $100,000,000 to degrade their constituents and posterity to the level of those Cuban slaves. Sir, I deny the right and the constitutional power of this Government thus to degrade and disgrace the freemen of Ohio. Will my Democratic colleagues, or my Whig colleagues take issue with me on this point? Will either of those parties inscribe Cuban annexation upon their banner at the next election? Yet, sir, until the people consent thus to disgrace themselves and their children in coming time, this insult to our dignity cannot be consummated. Will not such a proposition stir up agitation? But, sir, we have merely commenced upon the difficulties which surround and embarrass the purchase of Cuba. The eight hundred thousand slaves of Cuba were mostly born in Africa, and imported to that Island. They are desperate and have little regard for human life. For many years past the military force required to hold them in subjection has been estimated at twenty thousand men, or twice the military force now maintained by this Government. The annual cost of maintaining such an army in that Island would not probably fall short of $20,000,000; and the expense of civil government, including light-houses, local legislation, pay of members of Congress, &c., would not be less than $3,000,000. While the revenue, under our laws being assessed only upon imports, would not exceed $2,500,000. Thus there would be a net annual expenditure of more than $20,000,000 over the revenues of the Island to hold their slaves in subjection. That amount would be drawn mostly from our laboring men of the free States. And now I ask, in all kindness, how long do you believe the laboring people of Ohio would consent to pay troops at that rate to stand sentinel over the slave drivers of Cuba while they lash these degraded minions into submission?

But a standing army of twenty thousand men will not be sufficient to maintain this system of oppression. That Island now imports some thirty thousand African slaves annually. They are ignorant and stupid; they have no common language, and are incapable of any concerted movement for freedom. By annexing Cuba to the United States, this foreign slave trade will be cut off, and the supply of victims will then be drawn from our slave-trading States. This, sir, is the great object for which annexation is sought. It will enhance the price of human chattels in our northern slave States. But here again, God has thrown around this gigantic crime, dangers which cannot be avoided. These slaves will be more enlightened; they will speak the English language, which is spoken in all the British Islands. They will have some knowledge of their rights, and of the means of obtaining them. Nor will they want for leaders to guide them in the work of achieving their liberty. The whole eight hundred thousand free colored people in the neighboring islands will sympathize with them. Some Douglass, some Redmond, some Ward, or other hero, will be found to plan and conduct insurrections; some Toussaint to lead them in battle. Your troops will find active employment. Fire and sword will be called into service; devastation, rapine, and slaughter will be carried by the infuriated slaves over the plantations and villages. Two hundred thousand colored men rendered desperate by barbarous oppression, will constitute no mean force when fighting for life and liberty. In that struggle Mr. Jefferson has assured us the Almighty possesses no attribute which will permit him to take sides with the oppressors. No, sir, our consciences and our sympathies must be with the oppressed. Our prayers will be that justice shall take place; and if the oppressors be laid low in death, we shall view it with christian submission. Then, sir, this Government will possess the constitutional power to conclude a peace by the total abolition of this accursed system of oppression. And do you think that Congress will long continue such a war? Will they shoot down those who thus strike for liberty? Or will they not rather consent to return to them their God-given rights?

And, sir, I would say to our southern friends, that when this spirit of liberty shall once be aroused among the blacks of Cuba, they will be very likely to bring the war into Florida, Alabama, and other southern States. Mr. Chairman, annex Cuba now, with its present slave population, and you and I may live to see our slave States devastated by a servile war. Indeed, I am surprised that the colored population there have remained supinely inactive so long. These States are at this time suppressed volcanoes, ready to burst forth whenever the elements shall become agitated. The annexation of Cuba will rock this Union to its center, and the hidden flames will find vent, and the fire will extend until slavery be consumed. When that day of retributive justice shall overtake our southern friends, we, sir, will interpose, not by shooting down the victims of oppression, by murdering those who have been oppressed, wronged and outraged, but by making peace with them upon terms of justice, and admitting them to the enjoyment of their liberty.

But, Mr. Chairman, I have spoken only of the peaceful purchase of Cuba and its consequences. It is the only mode in which we can obtain it. We can get it in no other mode. Slavery sits like an incubus upon our nation, paralyzing all our energies, and rendering a war with any powerful nation impolitic and dangerous. We cannot go to war for the conquest of Cuba. And, sir, from what we learn by the correspondence before us, as well as from other sources, Spain will not be likely to sell it to us. She has taken her position on this point, and has long maintained it. She will continue to maintain it. The old Castilian determination of purpose will guide her councils in future. I am, therefore, very clearly of opinion, that we shall not have Cuba so long as the friends of liberty continue to call public attention to the wrongs and crimes of slavery.

The policy of the Spanish Government to set the slaves of Cuba free in case of formidable invasion, forbids all hope of obtaining it by conquest. It is now well known that prior to the Lopez expedition, the Governor-General had express orders, if he found it necessary to defend the Island, to abolish slavery and put arms into the hands of the emancipated slaves. Now, sir, our fillibustering politicians will have no object in obtaining Cuba, unless they can thereby obtain it with slavery. They fight for oppression, not for freedom. With these facts before the country, we shall have no more fillibustering expeditions. Our political fillibusters will now disappear. They will escape the garrote, but will be reserved for political suffocation.

Mr. Chairman, I speak my own opinions. No other man is responsible for what I say. I have given some attention to this subject, and have satisfied my own mind, that while the advocates of liberty shall continue their efforts for freedom, their struggles for justice to all men, *Cuba will not be annexed*. I congratulate the friends of liberty and of humanity upon the important position they have attained. The very efforts which our opponents said would secure the annexation of Cuba have, under the circumstances to which I have referred, prevented the perpetration of that outrage. It is the bold, unflinching agitation and maintenance of truth, by political, moral, and religious efforts, that has saved us from that degradation. Had we, sir, united with the other political parties at the late election; had we then disbanded, there would have been danger of the annexation of Cuba, even at the price of war and bloodshed. But we have attained the position which enables us by our efforts to command the respect of our opponents; and, more especially, has our course commanded the respect of ourselves—of *good men*—of the lovers of liberty in this country and in Europe, and, as I humbly trust, the approval of God himself. Slavery can only flourish, it can only exist, in the quiet repose of peace. It cannot continue amid the storm of war or the rage of moral elements. All history shows us that slavery cannot exist amidst the agitation of truth. Justice is the great moral antagonism of oppression. They cannot exist together. I indulge the hope that slavery has reached its limits; that it cannot pass beyond its present boundaries, if we remain true to our purpose and our principles. Its proud waves are already stayed. Cuba must remain attached to the crown of Spain. Yet I would say to British and to French statesmen, that if they wish to obtain it for the purpose of establishing liberty there, of giving freedom to its down-trodden people, let them satisfy Spain and take the Island. *We shall submit*, for the very obvious reason, that while we hold our own slave population in subjection, we cannot enter into a war with either of those Powers in order to maintain that institution in Cuba. We, sir, would rather see Cuba *free*, under British or French rule, than see our fellow-men oppressed, degraded, and ruthlessly murdered under either Spanish or American authority. But if it remains subject to Spanish laws, its final redemption is not so far distant as we have been accustomed to think. The employment of Chinese laborers in that Island has proved far more profitable than of slaves. Indeed, it is said the expense of carrying on their plantations by the labor of these free people from China is less than half that of slave labor. At this time there are said to be six thousand Chinamen on their passage to Cuba, for the purpose of engaging in the cultivation of the soil. The laws of Cuba are also more favorable to emancipation than those of our slave States. These circumstances, under the guidance of Providence, amid the lights and intelligence of the present age, are slowly but surely working out the redemption of Cuba, even under Spanish rule. Yet its annexation to this Union would, in my opinion, hasten the overthrow of slavery, both there and in our slave States.

The world is moving in favor of liberty. Redemption to the African race upon this continent must soon come. I trust it will come in peace; but I will add, in the language of our departed coadjutor, John Quincy Adams, "Let it come; if it must come in *blood*, yet I say LET IT COME."

BARQUE GEORGIANA, &c.

*REMARKS OF HON. E. K. SMART,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

December 27, 1852,

In reference to the seizure and confiscation, by the Spanish authorities, of the barque Georgiana of Maine, and brig Susan Loud of Mass.

Mr. SMART said:

Mr. Speaker: A number of my constituents, as well as interested citizens of Massachusetts, having made application to the State Department, to obtain relief, without success, I deem it now due to those I represent, to make a public statement of their claim upon the Spanish Government for indemnity. The Georgiana cleared from the port of New Orleans and left for Chagres on the 25th of April, 1850, with provisions and passengers, agreeably to her charter. After being at sea about seven days, she was compelled, by head winds and a strong current against her, to stop at

*These remarks were written out and handed to the Reporter for publication in the Daily Globe, as I could get no opportunity to deliver them in the House. I gave the House notice that I would send them to the Reporter for publication, my object being to get the facts before the country.

E. K. S.

the Island of Contoy. She remained at that Island two days, waiting for a change of wind, after which she got under way for the Island of Mugures. Attempting for three days to reach Mugures, she was finally compelled, by head winds and adverse currents, to return to Contoy.

The Susan Loud cleared at the custom-house in New Orleans on or about the first day of May, A. D. 1850, for Chagres, the place to which she was bound according to her charter. She left New Orleans on the second day of May, 1850, having on board passengers and provisions. After she had left the Mississippi river, C. R. Wheat, who had chartered the Susan Loud, to transport passengers and provisions from New Orleans to Chagres, being on board, directed the master to proceed to latitude 26° north, in longitude 87° west. The Susan Loud proceeded to this point, at which the steamer Creole came up, taking the passengers and her captain from the Susan Loud, and commanding the captain to act as pilot to the steamer to Mugures and thence to Cardenas, which command he obeyed. The Susan Loud in charge of her mate, Mr. Hale, now went to Contoy.

The Georgiana and Susan Loud lay at anchor at Contoy harbor, on the 18th of May, when the Spanish war-steamer Pizarro, and brig-of-war Habanero, hove in sight, and immediately captured the American vessels, with all their officers, seamen, and passengers.

These vessels were taken into Havana, by the General of Marine, on the 5th of June, 1850, and confiscated to the use of the Spanish Government on the 9th of July following. These facts I believe are substantially agreed to on both sides. But the Spanish authorities rely on certain other circumstantial evidence as a justification of their seizure and confiscation of the American vessels. It is stated in the report of the Auditor of War and Marine, at Havana, in the proceedings carried on consequent to the detention, at Contoy, of the Georgiana and Susan Loud, that the Georgiana, two days after she left New Orleans, took in cases at the Balise, which were *said* to contain machinery, but turned out to contain arms.

It seems that these cases were said to contain machinery, at the time they were taken on board the Georgiana. Should we not fairly infer that they were so considered by the captain and crew of the Georgiana? If, however, they were then found to contain arms, &c., the captain was without the necessary power to break up the voyage, or prevent the shipment of these cases.

It is further stated in that report, that the Creole communicated with the Susan Loud at sea. The Creole did communicate with the Susan Loud at sea, and it was unquestionably by a previous arrangement with Wheat, the supercargo, and not with the captain. Wheat states in his deposition, communicated with the papers furnished by the President, that after they got to sea *he* directed the captain of the Susan Loud to sail to a point 26° north latitude, 87° west longitude. There the Creole came up, as I have already stated. The captain was then taken on board the Creole, and detained, against his will, as appears by Wheat's deposition.

It is further alleged that the Creole communicated with both vessels at Contoy; but this is no proof of combination on the part of their officers and crews with the Creole. They were evidently, after they got to sea, under the control of persons whom they had no power to resist. Many of the men on board the Georgiana and Susan Loud may have been connected with the expedition; but the officers and crews of the vessels at the time of their departure, it certainly appears, regarded their destination as Chagres. The clearance of these vessels for Chagres is *prima facie* proof that their officers regarded Chagres, and not Cuba, as their destination, and there is no evidence to show that they had any knowledge, prior to their departure, of any combination of those on board their vessels with the invaders of Cuba. After the officers of the vessels were at sea, they found themselves compelled to obey those persons on board, who turned out to be connected with the expedition, and who had the physical power and determination to command them. Such are the facts, and upon these facts and some few others less important, the Spanish authorities appear to have acted.

The value of the barque Georgiana and losses sustained by her crew amounted to...$17,313 50
That of the Susan Loud to.....12,787 37

Total.....$30,100 87

On the 15th of December, 1851, I submitted a resolution to the House of Representatives, requesting information concerning the seizure and confiscation of these vessels. The resolution was adopted, and answered by the Secretary of State on the 27th of January, 1852. From the papers communicated by the Secretary of State, I obtain the facts I have now stated. The Georgiana was the property of citizens residing in the district I have the honor to represent, and the Susan Loud was owned by citizens of Massachusetts. The owners of these vessels are honest, industrious, worthy men, and they are entitled to the protection of the Government, against the spoliation of their property by a foreign nation. Other citizens, indeed, can but regard their cause with solicitude. Every one engaged in commerce has an especial interest in the protection of our flag, and in defending all our just rights upon the high seas; and every patriotic man must feel that the laws of nations should not be violated and American citizens thereby injured.

With this view of the subject, the seizure of these American vessels becomes a matter of general interest. If we suffer two vessels to be wrongfully seized and confiscated, what safety is there for any portion of our commercial marine? If we permit the clearest principles of international law to be violated in the confiscation of our property, we shall nowhere be safe from insult and injury.

I do not wish to complain, but I think our Government has been tardy, if not negligent in this matter. The Georgiana and Susan Loud were confiscated by the Spanish authorities in July, 1850, and up to this time no indemnification has been obtained by our Government. The American Government, strange as it may seem, has been more prompt to indemnify Spanish subjects for the destruction of Spanish property.

About the time of the seizure of these vessels, the populace of New Orleans destroyed some property belonging to the Spanish Consul, and other subjects of Spain. Immediately after, upon the meeting of Congress, the President promptly recommended an appropriation to indemnify these Spanish subjects. In accordance with this recommendation, Congress at its late session appropriated $25,000 for that purpose.

While such peculiar care has been taken of the interests of Spanish subjects, no mention has been made by Mr. Fillmore in his message of the indemnity due to American citizens, and I do not learn that the American Government has made any progress in procuring indemnity from Spain for the outrage now under our notice. From an examination of the papers, I do not believe the Spanish Government had evidence sufficient to justify it in affirming that these vessels were bound for the Island of Cuba; and so far as I can learn, the testimony obtained by the Spanish Court of Admiralty affords no proof that the officers and crews of these vessels intended to invade the Island of Cuba, or even knew at the time of their departure of any connection of their vessels or passengers with such invasion. Be that as it may, they did not in fact invade that Island, nor did the vessels go into Spanish waters or within Spanish jurisdiction. They committed no offense against the laws of Spain, because they did not go within the limits of Spanish territory.

The only justification of the seizure of these vessels, seriously advanced by the Spanish Government, is that they were pirates on a desert Island, (at Contoy,) and that the Island was the same as the open sea. They therefore seized them as "pirates upon the high seas."

But they were not pirates even if they intended invading Cuba. The American Government took this position and demanded the immediate release of the vessels and passengers, and insisted that they should never be tried by Spain. This was patriotic. The position of the Government was taken under General Taylor, but it was not insisted on so far as the subsequent *acts* of the two Governments were concerned.

Our Government permitted the Cuban authorities to try the men taken at Contoy, and to convict such as they chose to convict; also, to confiscate the vessels to their own use! The American Government, instead of obtaining a release as a matter of right, accepted of a *pardon* for these American citizens, convicted by the Spanish Government; and have obtained no indemnity, as I have before stated, for the confiscation of the vessels. Such has been the position of Mr. Fillmore's administration, in face of its valiant declarations that the Spanish authorities had no right to seize our citizens or vessels at the Island of Contoy—an Island within the jurisdiction of Mexico—and that the eagle should protect them.

To show the position of our Government upon this question when the news was first received of the capture of the Georgiana and Susan Loud, and their officers, crews, and passengers, I quote from Hon. John M. Clayton, then Secretary of State:

"DEPARTMENT OF STATE,
"WASHINGTON, *June* 3, 1850.

"But it is not conceded that the Spanish Government, having captured these citizens on a Mexican Island, have a right to convey them to Havana and punish them capitally for crime. It is unnecessary for me to remind one so well versed in the law of nations, that there is a wide distinction between crime and the intention to commit it. Besides, it has been alleged that these men had abandoned the illegal enterprise, and relinquished all design to invade Cuba."

—

The Secretary of State to Mr. Calderon.

"DEPARTMENT OF STATE,
"WASHINGTON, *July* 9, 1850.

"I have had the honor to receive your note of the 2d instant. In reference to so much of that note as refers to the trial of the Contoy prisoners by the 'Marine Court of the Havana station,' it is my duty to state, as I have heretofore said to you in conversation, that I do not admit the right of the Spanish authorities to try those prisoners, who, according to all the statements which have reached us, were captured beyond the Spanish jurisdiction, and had committed no act of hostility against Spain or her colonies. It is also my duty to repeat what I have heretofore said verbally to you, that the President of the United States had sent an agent to Havana to demand the release of these prisoners, who, in his judgment, were not guilty of any intention to invade the Island of Cuba. He claimed for these prisoners that they should be tried by the courts of their own country, and that they were not amenable to the Spanish jurisdiction. * * * * * * *

"Were your reasoning correct, you might with equal propriety denounce the penalties of piracy upon any citizen of the United States who has been engaged in fitting out the illegal expedition against Cuba, although he may have never left the limits of his own country. I therefore take occasion again to repeat to your Excellency, that the designation of 'pirates,' when applied to the Contoy prisoners, is utterly erroneous, even supposing (what I would by no means admit) that they entertained hostile intentions against the Spanish dominion in Cuba.

"The facts related in your note to justify the capture and abduction of the prisoners taken at Contoy, and the two vessels, the Georgiana and the Susan Loud, are deemed entirely insufficient, and it is my object now to remind your Excellency that in all I have written and said to you upon this subject, I have endeavored faithfully to warn your Government of the danger which might result to the peaceful relations of the two countries, should illegal punishment be inflicted upon these American citizens."

—

The Secretary of State to Mr. Calderon.

"DEPARTMENT OF STATE,
"WASHINGTON, *June* 25, 1850.

"You have repeatedly designated these American citizens concerned in the late outrageous violation of the laws, both of the United States and Spain, as 'pirates.' It is by no means my duty to shield them from the use of the most opprobrious epithets you can bestow. Still their crime was not piracy. Murder and robbery are crimes of the deepest dye; but unless committed on the high seas, they cannot amount to piracy. The distinction may appear of little consequence, except where the designation of 'pirate' is applied to citizens of the United States who may have engaged in an enterprise to invade Cuba, but have not executed their intention. The indiscriminate application of such a designation to these men, as well as to those who have been guilty of some overt act of felony, may give rise to errors which we may hereafter have occasion to regret. American citizens who may have engaged in an expedition for the invasion of Cuba have doubtless been guilty of a great crime, in violating the laws of their own country, for which they merit, and will receive, the just censure not only of Spain, but of the United States. Yet their offense, without some overt act of felony, and that, too, on the high seas, cannot with any propriety be characterized as 'piracy.'"

I have stated that our Government demanded the immediate release of the vessels and passengers captured at Contoy. To show that it took such position, I refer to its instructions to Commodore Morris, which are as follows:

"DEPARTMENT OF STATE,
"WASHINGTON, *June* 29, 1850.

"The President directs that you proceed as soon as possible to Havana, in the war steamer Vixen; that, on your arrival there, you request an audience of the Governor and Captain General of Cuba, representing to him that you bear

a message to him from the President of the United States of importance to his country, as well as your own. On being admitted to his presence, you will demand of him the immediate release of all the prisoners taken at Contoy, and without the Spanish jurisdiction. He recognizes no right on the part of the Spanish authorities to try and punish the prisoners taken at Contoy; and he will view their punishment by the authorities of Cuba as an *outrage* upon the rights of this country. Without enlarging upon the grounds taken in making the demand through the Consul, of which you are fully informed, the President is satisfied, from the reports which he has received of the evidence taken before Judge Marvin at Key West, as well as from other information, which he deems entirely reliable, that the men taken at Contoy had embarked to go to Chagres; and if any of them had ever designed to invade Cuba, they had repented of that design and abandoned it. Under these circumstances, the President cannot consent that the lives or liberties of citizens of the United States shall be forfeited, or that the question of the truth of the evidence above-mentioned shall be referred to any foreign tribunal.

"The owners of the bark Georgiana and the brig Susan Loud have exhibited to this Department statements to prove the innocence of the captains who chartered those vessels; and you will inform the Governor and Captain General of Cuba that this Government expects those vessels to be returned to their owners, with damages for their capture and detention. Those statements confirm the testimony taken before Judge Marvin of the innocence of the prisoners of any intention to invade Cuba—which testimony has, we learn, been fully communicated to the Governor and Captain General."

I also ask attention to the language of our Minister to Spain. Mr. Barringer to Mr. Clayton, giving an account of Mr. B.'s reply to the Spanish Minister of State, at Madrid, August 7, 1850, says:

"I replied, that the Georgiana and Susan Loud were carrying passengers who believed *bona fide* that they were going to Chagres; that the vessels did not accompany each other, nor was there any proof that they ever had the same original destination; that even if the prisoners taken at Contoy were primarily engaged in the enterprise of Lopez and his comrades, they had abandoned that intention, and were about to return to the United States; that the Government of the United States were in possession of evidence tending to establish this conclusion; that the principle that an intent to commit a crime is not the crime itself, was too palpable to need comment. There must be some overt act, even when such criminal intention existed. There was always a *locus penitentiæ;* and, in this particular case, if the prisoners were guilty of any offense on the ground of intention, it was certainly not against the laws of *Spain*, but of the United States, and cognizable alone in their tribunals, which claimed the sole jurisdiction to decide on the competency of the evidence which might be offered to affect their guilt or innocence. But apart from all these considerations, the Government of the United States believed that the *American occupants of the Island of Contoy, near the coast of Yucatan, belonging and subject to the jurisdiction and sovereignty of Mexico, a Power on terms of friendship and amity with the United States, and beyond the territory and jurisdiction of Spain, and who were there made prisoners by her direction and command, were not guilty of any offense, under the law of nations, against Spain; and that their seizure on the territory of a third and friendly Power was illegal and in derogation of the rights of the United States: much less did Spain have any right to detain and prosecute American citizens thus captured in her own tribunals, according to her own course of judicial procedure in criminal cases. The United States could not recognize such a right or pretension, and protested in the most firm and solemn manner against all proceedings and consequences which had or might follow from such unlawful capture, and the investigations had by virtue of it in the Spanish courts. I was instructed by the President to demand of her Majesty's Government, at Madrid, the immediate release of the American citizens thus taken, and now in confinement under Spanish authority; and that, as I had every reason to believe that her Majesty's Government had been fully apprized of the nature and character of this demand, I was also instructed to insist on a prompt reply."*

Mr. Barringer, in a communication to Pedro J. Pidal, Spanish Minister of State, dated Legation of the United States in Spain, Madrid, September 19, 1850, made use of the following language:

"The argument of your Excellency, in defense of the resolution of her Majesty's Government, is founded on two cardinal errors repeatedly asserted or insisted on in your communication: 1st. That the Contoy prisoners are 'pirates,' according to the law of nations; 2d. That the Island of Contoy is 'desert,' and not subject to any local jurisdiction, so far as the purposes of this question are concerned.

"*Piracy*, under the *law of nations*, has a fixed and determinate meaning, and is, in the language of the law, defined with 'reasonable certainty.' Many acts may even partake, to some extent, in moral guilt, of a *piratical character*, which are nevertheless *not piracy*.

"To plan, to fit out, and send forth from the United States a military expedition against a colony of Spain—although a most penal and flagitious crime under the laws of the United States, subjecting the offenders to severe punishment if arrested within their jurisdiction, (which extends to the vessels of all their citizens,) and to all the consequences of the violation of Spanish law, if taken within the dominions or jurisdiction of her Majesty—surely is not piracy under the *law of nations*.

"But to show how a resolute zeal (which I would rather commend than depreciate) to defend, at all hazards, the Island of Cuba against any attempted invasion, might, and did mislead the patriotic officers of her Majesty's Navy, I will suppose, for the sake of argument only, that all originally engaged in this criminal expedition were *pirates* by the law of nations; even then the arrest at Contoy, and the claim of jurisdiction founded upon it, are not authorized by international law. If they were, in fact, *pirates*, they could only be followed and seized in the territory of another Power on 'fresh pursuit.'"

Again: Mr. Barringer, writing to the Marquis of Pidal, Minister of State, dated Legation of the United States, Madrid, August 27, 1850, says:

"The Government of the United States cannot recognize the right of Spain to seize American vessels at anchor on the coast, and within the territory and jurisdiction of a Power having friendly relations with the United States; to capture and imprison the men and crew on board of vessels thus situated, and try them in Spanish tribunals, and according to Spanish rules and forms of proceeding, for any supposed violation of the law of nations, much less for that of Spanish municipal law.

"The prisoners whose release is demanded, were all arrested in the month of May last, either on the Island of Contoy or on board of two American vessels, the Georgiana and the Susan Loud, which were seized whilst at anchor at said Island on the coast of Yucatan, which is a portion of her domain and property, and within the jurisdiction of the Mexican Republic, of which the said State of Yucatan is a component part.

"The question of the guilt or innocence of these prisoners as connected with the late hostile expedition of Lopez, to invade the Island of Cuba, does not affect, in the slightest degree, the principles upon which this demand is made.

"Against any such illegal attempt to invade and attack the territory of a friendly Power, the Government of the United States has given too many proofs of its opposition and efficient resistance to render necessary any further assurance of its sincerity and its fidelity to every obligation of duty, or to leave any room for doubt as to its amicable dispositions.

"If these prisoners were guilty of any offense, it is cognizable and punishable by the laws of the United States, whose provisions are most ample and effectual against all such criminal enterprises set on foot within their territory or jurisdiction to invade the territory or dominions of any foreign kingdom, State, or colony, with which we are at peace.

"We deny that these men were guilty of any act of invasion or depredation on Spanish territory, or within Spanish jurisdiction. Even if guilty, originally, of an *intention* to join the frustrated expedition of Lopez and his coadjutors and followers, this was a crime punishable only by and under the laws of the United States, and could not justify Spain in arresting and prosecuting them under her laws.

"I am instructed to say, that my Government will view the punishment, by the authorities of Cuba, of the prisoners thus taken at Contoy, without the Spanish jurisdiction, as an *outrage* on the rights of the United States.

"In conclusion, and with a view to prevent misapprehension, I desire to say in reference to the barque *Georgiana* and the brig *Susan Loud*, that their owners have exhibited to my Government statements to prove the innocence of the captains who chartered them; and that the Government of the United States expects those vessels to be returned to their owners, with damages for their capture and detention."

It will thus be seen that Mr. Clayton, and Mr. Barringer, our Minister to Spain, took the strongest ground against the legality of the seizure of these vessels and the capture of their crews. Mr. Webster, who afterwards came into the State Department, expressed his entire approbation of the manner in which the claims of indemnity for the capture of the Georgiana and Susan Loud had been maintained by Mr. Barringer. He also pronounced an early acknowledgment of the equity of those claims "an act of sheer justice." Here is what he said, in a letter to Mr. Barringer, dated Department of State, Washington, February 5, 1851:

"I had hoped, ere this, to have been enabled to furnish for your use the necessary materials, with instructions to renew your application to her Catholic Majesty's Government for the early acknowledgment of the equity of these claims—an act of sheer justice, which, however, cannot fail to promote the friendly relations of the two countries.

"I feel that it is due to you, in closing this letter, to express my entire approbation of the manner in which these claims have been maintained by you in your correspondence with the Marquis de Pidal. Spain must be made to understand that the Executive of the United States will not submit to behold an injury done to persons or property under the flag of the Union, without holding to a strict responsibility the Government by whose officers such an injury may have been inflicted."

It will thus be seen how *emphatic* our Government has been (*in language*) upon the subject of the seizure and confiscation of these vessels; and yet I regret to say their owners have received not one cent in the way of indemnification.

Our Consul at Havana took the same position maintained by Messrs. Clayton, Webster, and Barringer. I make a few extracts from his correspondence with the Secretary of State:

"CONSULATE OF THE UNITED STATES,
"HAVANA, *May* 31, 1850.

"One of the vessels captured at Contoy is said to be the American barque Georgiana. By reference to the New Orleans Price-current, I find that the American barque Georgiana, Benson master, was on the 25th of April regularly cleared by G. W. Breedlove, with a cargo of coal, for Chagres, which proves the sailing of that particular vessel to have been with the knowledge of the collector of the port, and that her papers were in due order.

"There may have been justification in this particular instance for temporary detention of the two vessels, but, for aught I know to the contrary, no overt act had been committed against the Spanish Government by the master or those on board the captured vessels; there may have been intention, but that intention may have been repented of and changed; but if even the intention of overt acts against this Government were entertained at the time of capture, it cannot vest a power in this Government to arrest the parties in a foreign country, to be brought to Cuba for trial. To illustrate this it may not be amiss to refer to the case of the Duc d'Enghien (with which your Excellency is familiar) to prove the opinion of the civilized world on a parallel case. If (so far as appears) offense against any Government has been committed by the masters and others on board of the captured vessels, (supposing them to be American with regular papers,) the offense has been against the laws and Government of the United States, and to that Government alone are they amenable, unless they have in some way violated the laws of Mexico."

Mr. Campbell, in a letter dated 19th June, 1850, to the Secretary of State, giving an account of his interview with the Captain General of Cuba, says:

"I observed that the President of the United States does not admit the right on the part of the Spanish Government to capture those men; they never having been on Spanish territory, could not have committed any act violative of Spanish law. Even admitting them to be guilty, their guilt was against the laws of the United States: they are amenable to those laws, and to no others."

It would seem to be a work of supererogation to add anything to the language of our Government upon the illegality of the whole proceeding of the Spanish authorities in capturing and confiscating the American vessels at Contoy.

One fact is not disputed. These vessels never went into Spanish waters prior to their capture, and if they committed any offense, it was in Mexican or American territory. Contoy, the place of their capture, it is well known, is an island under the jurisdiction of Mexico.

I take the liberty, then, to quote a single authority applicable to this fact:

"It is evident that a State cannot punish an offense against its municipal laws, committed within the territory of another State, unless by its own citizens; nor can it arrest the persons or property of the supposed offender within that territory."—*Wheaton's Law of Nations*, pp. 169, 170.

Upon what ground, then, could the Spanish Government capture these vessels, their officers and crews? That they were engaged, it is said, in *piracy* on the high seas. Certainly on no other ground. If they were pirates, they might, I admit, be lawfully captured on the high seas, but not within Mexican jurisdiction. But the idea that they were pirates is, to say the least, wholly absurd. "Piracy is the offense of DEPREDATING on 'the seas without being authorized by any sov-'ereign State, or with commissions from different 'sovereigns at war with each other."—(*Wheaton's Law of Nations*, p. 176.)

Now, let the facts in the case of these vessels be examined. Whatever was intended by the officers, crews, or passengers, as a matter of fact they sailed under regular papers from New Orleans to Contoy. They committed no depredations upon anybody. The vessels had no armanent to enable them to plunder and rob upon the high seas; and I hazard nothing in saying, that this Government will never assent to the extraordinary assumption that they were pirates.

The Spanish authorities having, then, no right to capture these vessels, I trust the American Government will do its duty, and submit to no longer delay in obtaining indemnity for our citizens. In my judgment, our vessels of war should have retaken the Georgiana and Susan Loud without hesitation. And while our Government pronounced the detention of these vessel an "outrage," it should have had sufficient courage to have given an instant order for their recapture.

That model President, the illustrious Andrew Jackson, would have given the order without hesitation. But Mr. Fillmore shrunk from a maintenance of the unquestionable convictions of the Government, with such demonstration as those convictions would fully justify. He waited, without any forcible interposition, for the Spanish authorities to convict and *pardon* several of our citizens, who were on board these vessels. He received as a pardon, what should have been demanded as a right, and insisted on, if need be, at the cannon's mouth. The property of our citizens, amounting to more than thirty thousand dollars, he has suffered the Spanish Government to retain,

and no satisfaction has been made to those who were captured, for their unjust detention. We are all interested in this extraordinary proceeding. Should our Government continue such a foreign policy as it has lately pursued in its intercourse with Spain, we shall soon be liable to insult from every considerable Power of the earth. It is refreshing to know that the time is at hand when it will not pursue such a policy. I by no means justify fillibustering of any kind; but we should not allow an unjust infliation by an unauthorized Power even upon an erring citizen of this Republic. Whatever may be said of the acts or intentions of the men who were captured at Contoy, I repeat, the Spanish Government have convicted and punished them without the shadow of authority. There were aggravating circumstances connected with this transaction of the Spanish Government, not generally known. Our citizens were the victims of suffering and insult, which might have been prevented by a forcible interference of our Government at the time. The following statement of the seizure of the Contoy prisoners by eighteen of their number, will be found interesting:

"The officers of the Spanish vessels of war ordered the captain of the Georgiana and another to be hung; and as regards the captain, they proceeded so far as to place a rope around his neck ready greased, and from twenty to twenty-five pounds of lead to each leg. Why they did not carry their threats into execution we are unable to say, for they had declared to the first two (that had been carried on board, as already related in our statement of the 6th May, rendered on board the steamer Levan) that they should be hung, and also all hands; considering us as pirates, and applying the term as the crime for which they said they intended hanging.

"Having, as stated, changed their mode of procedure as regards the hanging part, they set to work binding each man's arms so tight that it caused many to complain of the stagnation of blood; thus manacled, we were conducted to the third deck of the Pizarro, (viz: the thirteen,) and the thirty-nine were placed in similar situation on board of the brig Habanero. Once secured in this way, their next move was to get under way for Havana, at which place we arrived on the 20th May, and from our custody on the Pizarro we, the Pizarro party, were removed on board the ship of-the-line *Soberano*, with the exception of one, A. B. Moore. Arriving on board said *Soberano*, we were placed in line on the top deck; when thus placed, our persons were searched to see if we had concealed weapons; (the same policy had been pursued at the time of seizing us at Contoy, and was here again dastardly repeated.) After having rifled our persons of whatever articles of value found with us, we were ordered, in the most brutal manner, to descend to the third gun deck; and having arrived there, orders were issued to chain or shackle us two by two, *i. e.*, placing a shackle on one leg of each party; there was an iron bar, of eighteen inches long and three inches in circumference, placed in said shackles so as to connect the parties together. Being manacled in this manner, we were placed on the floor and ordered to lie down and keep silence; and to this was added the vigilance of two sentinels. To this may be added the various modes they exercised of tormenting us, such as would be too lengthy to give in detail. We, the party of twelve thus manacled, remained until the 24th in the utmost suspense, not knowing what course they were going to pursue towards us; finally, on this date, we were informed of their intentions of trying us by our affidavits, which were to be given by us, and according to their purport to implicate or clear us of the accusation pending at the time. The plan pursued during the whole of this farce was bombastic—Spanish pomposity, arrogance, and vindictive looks, and threats used from time to time during the examination of the culprit *pro tem.*; and further to impose on this state of procedure a further mark of ignominy, the prisoner was led manacled by both legs in the presence of his honor the *fiscal* and his interpreter, who, pretending to be a thorough English scholar, proceeded with his inquiries as dictated by the *fiscal*, and in his efforts to use the figurative and flowing speech of *Señor Fiscal*, plunged himself deeper and deeper into a labyrinth that already appeared to them insurmountable. They continued to pursue this course during the investigation of the twelve; and on the arrival of the thirty-nine, from on the brig Habanero, on the said *Soberano*, pursued further acts of restraining, such as cautioning us not to speak to each other, &c., for if we did we would bring down their ire in such a manner as to cause us to be double manacled and sent to the *Puntillo*; (this is a solitary place of confinement, where the rod and other modes of punishment are recurred to, and from whence the prisoner seldom ever returns to the light of day.")

To the statement of these individuals I will add that of the American Consul, R. B. Campbell, in a letter to the Secretary of State, dated, Consulate of the United States, Havana, July 16, 1850:

"The captain, two mates, and seven seamen, detained by this Government, have not yet been relieved from incommunication; but permission being granted to Commodore Morris for him and myself to see the prisoners, we first called at the military hopital, at ten and half, a. m., of this day, to see Captain Benson, who had been placed in the hospital, as was understood, on account of indisposition. We found him in a room with grated windows, and had the pain and mortification to discover that his intellect was entirely destroyed, and he had become a raving maniac. The madness is manifestly real and not assumed. The acts and words of a madman it would be idle to report, and I therefore pass them unnoticed. * * * * *

"My feelings have been so harassed and wounded by the melancholy and hopeless condition of Captain Benson, and the conviction that, with the strongest desires, I have been impotent to save him from so sad and cruel a fate, that I hope I shall be excused by the President should I for a time visit the States, even in advance of permission being received. A few days, however, may lessen the present intensity of feeling; should they not, I shall leave by an early opportunity.

* * * * * * *

"The trial of the Contoy prisoners is, I suppose, being proceeded with. Captain Benson, of the Georgiana, it is believed, has been removed to a lunatic hospital. I feel a deep interest in his fate, and very much fear that his mind cannot be restored so long as he continues in a situation where he never hears his native language, or sees a familiar face. Should anything occur by which, officially or personally, I can in any manner serve him, the contingency will be immediately availed of."

I shall not be charged with drawing on my own imagination, or with exaggeration in an exhibition of the suffering and insult to which our people were subjected while in custody of the Spanish authorities. I simply refer to the documents I have quoted. They certainly present a picture sufficiently unpleasant to awaken American sensibilities.

I take this occasion again to express the hope that our Government will demand immediate satisfaction for the confiscation of these vessels, and for the damages sustained by their officers and crews. Should the Spanish Government refuse to make such satisfaction, I have no hesitation in expressing my own opinion as to the course the American Government would have a right to pursue. I have no ulterior objects in expressing that opinion; I want no war for conquest, and no annexation that is not brought about by peaceable negotiation. I would not involve the country in difficulty upon frivolous pretexts with a view that annexation of territory might result. But a positive right, whether the amount in dispute is large or small, should not be surrendered. In this case the amount, though comparatively small, is not small to those who have suffered. I repeat, then, I have no hesitation in expressing my own opinion as to the course this Government would have a right to pursue, if the Spanish authorities do not make immediate satisfaction. I think we should be justified in making reprisals of Spanish property. We should be fully justified in doing this.

Whether the Government would do this, it is, of course, not for me to say. Vattel says:

"Reprisals are used between nation and nation, in order to do themselves justice, when they cannnot otherwise obtain it. If a nation has taken possession of what belongs to another, if it refuses to pay a debt, to repair an injury, or to give adequate satisfaction for it, the latter may seize something belonging to the former, and apply it to its own advantage till it obtains payment of what is due, together with interest and damages; or keep it as a pledge till the offending nation has refused ample satisfaction or justice. As soon as that hope disappears, they are confiscated, and then reprisals are accomplished."

I have called the attention of the House and the country to this subject, because my constituents, having applied to this Government more than two years ago, have failed to accomplish anything.

I express the hope now, publicly, which I long ago expressed by letter to the State Department—that our Government will take this matter in hand and obtain indemnity for the men who have suffered, by what has been properly characterized by Mr. Clayton and Mr. Webster, as an outrage upon the property and persons of American citizens.

GOLD COIN IN CALIFORNIA.

SPEECH OF HON. W. M. GWIN,

OF CALIFORNIA,

IN THE SENATE, *December* 29, 1852,

On the occasion of the presentation of several Memorials by Mr. WELLER, signed by Merchants in the city of San Francisco and California, complaining of an act of Congress passed on the 20th of August, 1852.

Mr. GWIN said:

Mr. PRESIDENT: These memorials are old acquaintances of mine. They played a part in the late political campaign in California, and were contrived for the purpose of exciting prejudice in the minds of the people of that State against the members of Congress from that State. I met the issues contained in them, on the stump there, and I have no reason to complain of the result. Therefore, I am not anxious to reargue the whole subject. But as the receipt of pieces of assayed gold for public dues in that State is a question of considerable importance, and as I had an agency in obtaining the legislation connected with the matter, I shall avail myself of this occasion to give a short history of my action in connection with the currency in California, that it may be correctly understood by my constituents and this body.

Soon after I arrived here as one of the Senators elect from California, among the first subjects that engaged my attention, was that of proposed legislation connected with the staple production of California, to wit, her gold; and inasmuch as I was not so well informed as I wished to be, I consulted the most eminent scientific men in the country, as to the best provisions that could be devised for the benefit of my constituents, concerned in the gold industry, and especially in relation to the coinage of said gold.

I may be permitted to say that I made inquiries of the able and distinguished gentleman who is now at the head of the Coast Survey, as well as of the Secretary of the Smithsonian Institution, and of a gentleman whom they mentioned as one who had great practical experience and knowledge on the subject of coining. On the 11th of May, 1850, this gentleman favored me with a communication, which I will read:

COLLEGE OF NEW JERSEY, PRINCETON, *May 11th*, 1850.

MY DEAR SIR: In compliance with your request, I have the honor to present the following views in relation to the gold and commerce of California. Of course you may make any use of them you see fit.

On the continent of Europe, as you are aware, payments in large amount are rarely made in coin. Bars of the purest gold, of exactly-determined weight, quality, and value, are preferred and used for that purpose.

The size of said bars is usually about ten inches in length, three wide, and one-and-a-half thick, value, about $10,000.

The color of pure gold, a rich orange yellow, is much more difficult to imitate than that of any of its alloys. This, united with its great density, is a security against counterfeiting. Large bullion and specie transactions, are also generally confined to institutions, and persons whose commercial character is a guarantee against deception and fraud. There is, therefore, reason to believe that the counterfeiting of such bars would rarely occur, especially if it be rendered criminal to mutilate the bar without destroying or entirely changing its form, or to imitate or alter the assay marks upon it.

In France, bars of refined gold, stamped by an assayer, appointed by authority of law, with their respective weights, qualities, and values, and with the name and seal of said assayer, are a legal tender for their certified values.

During the administration of President Jackson, the French indemnity was paid in such bars. And the Rothschilds frequently send them to their agent, A. Belmont, Esq., in New York, from whom they sometimes go to the United States Mint for coinage.

For international commerce, gold bars are far preferable to coin; being compact and liable to no loss of parts, they are adapted to transportation. As the equivalent value in the coin of any country is readily deduced, by a little simple arithmetic, from the weight and fineness of a bar, it is equally suited to all nations—being a sort of universal coin. Besides, bars require no tedious and difficult counting of numerous small pieces, and dispense with the cost and delay of coinage.

England and the United States alone seem to restrict commerce to coin. In 1847, the heavy payments of specie in return for our breadstuffs were made in sovereigns, rated as *pounds sterling*, though more or less worn, and therefore of variable value. Also, the Smithsonian bequest was paid in sovereigns. These sovereigns were all melted and recoined at the United States Mint; and our own coin is similarly treated when it crosses the Atlantic. Why should commercial nations be thus constantly recoining the money of each other, every time that the precious metals pass to and fro in the settlement of balances of trade, which are but temporary and oscillating?

The gold of California will find its way chiefly to Europe. Had it not better go there, then, in bars of exactly determined value, without the expense and delay of *preparatory coinage* by the United States, free of charge (as it now is) to the owners, but costly to the nation?

For the inhabitants of California and for their commerce with the Pacific nations, with China, and with the United States, a Mint is, however, *indispensable*. And it should be established as soon as practicable. At that Mint, it should be optional with any one depositing bullion to have it either coined, or cast into bars, upon which their weight, fineness, and value, and the stamp of the United States should be impressed,—all the penalties against counterfeiting being extended to the imitation of such stamped bars of the United States; but this provision not to interfere with the rights of any private or State assayer to manufacture, and stamp bars with his seal and their value, &c.

Of the organization of the California Mint, I could present much of valuable detail, from which I refrain.

To justify public confidence, it should be as perfect as possible, and be intrusted only to men of *the highest integrity and skill*.

It should, I think, be less dependent upon or controlled by the Philadelphia Mint than the existing branches are; for its greater distance, if so dependent, might produce vex-

ations hindrances and inefficiency—besides it should be free from the local policy of a remote city.

With the view to economy, dispatch, and other advantages, the Mint system of the United States might be varied. In France the coinage is very well executed by contract, under supervision and verification by the Government. In England an association of chartered companies performs the work of refining, coining, &c., under similar governmental control. And the contract system, as in France, may be found that best suited for California.

Very truly, yours,
R. S. McCULLOH.

Hon. W. M. GWIN, *U. S. Senate.*

On the 9th of May, 1850, the Senator from Connecticut [Mr. SMITH] offered a resolution of inquiry, contemplating a change of the system of coinage, to wit: that authority be given to the Mint of the United States to issue coin without separating the silver from the gold of California—to let the alloy be entirely of silver, instead of silver and copper. On the 17th of July, the chairman of the Committee on Finance, to which that resolution was referred, reported against it, and that for the reason that in commerce silver which enters into gold coin is not considered of any value, and that, if the alloy was of silver only, the producers of gold in California would therefore lose the value of their silver. For this, and other good and valid reasons, the committee were discharged from the further consideration of the resolution.

In July, the bill establishing a branch Mint of the United States in California passed this body, before I was a member of it, and in it was incorporated the power of appointing immediately an assayer in California, and permitting him to assay gold. Soon after this I was admitted to my seat, and not looking upon that as a proper mode of accomplishing the object I had in view, I introduced two bills on the 19th of September, one providing for assay offices in Stockton and Sacramento City, and the other for the manufacture of large gold coins in the Mint, its branches, and assay offices. The bills were drawn up with great care and attention, and I shall publish them with these remarks.

After my bills reached the Committee on Finance, I ascertained that the Mint of the United States at Philadelphia was hostile to the establishment of a large Mint and assay offices in California. No sooner had I introduced my bill for large coins, than the Director of the Mint opened a correspondence with me, assuming that I was wrong, and that I did not understand the subject. He sent me a substitute for my bill, and a letter explaining how it was wrong, and his right. I found that mine met with no favor in the Committee on Finance; and the session passed without action on it. To the letter of the Director I replied, though not immediately, because I had not time at the close of the session of Congress; and in said reply I showed, I think, that his views, not mine, were erroneous. That correspondence, or extracts from it, I will also append to these remarks, as I do not wish to detain the Senate by reading it.

Inasmuch as I could not get my own bills, nor any Mint bill through Congress, at the close of the session of 1850, a law authorizing the establishment of an assaying office at San Francisco, as the only alternative, and the only legislation we could have, was passed. It was proposed to employ temporarily an assaying establishment in California, for the purpose of assaying gold. I wished to have bars, which should be of prescribed fineness and weight, stamped with legends and tracery, of given denominations, legalized and protected as coins of the United States; but the Director of the Mint denied that they could be made, and urged that gold in bars should be merely assayed, and that they should not be coins, nor be protected by penal statutes. When, towards the close of the session, chiefly, I believe, because of the interference of the Director of the Mint, this opposition to my bills, authorizing the making of gold coin in bars, I became convinced that I could not get such an act passed before the adjournment, and the proposition to employ an assay office by contract on the most reasonable terms for the assaying of gold in bars at San Francisco, was presented to me as all that could be enacted for the gold industry of California before the end of that session. I deemed it expedient to accede to that enactment, which might give some commercial facilities, but without any thought that it could lead to so gross an usurpation as that of the coining power by the Secretary of the Treasury, with or without the advice of the Director of the Mint, or any other officer of this Government, or that it would have embarrassed and deferred the passage of the California Mint bill.

These memorialists say that we intended to give them power to make that which would be legally receivable for public dues, in fact coin. I deny it. No such power was ever intended to be given. The power to coin money is conferred by the Constitution exclusively on the Congress of the United States. I will not go as largely into this question now as I would if the subject was regularly before the Senate. But, inasmuch as I have been very bitterly assailed in regard to this matter, I shall now controvert some statements which these memorialists make. Among other things, they say of this enactment which they ask you to repeal, that its object was, and is, to prohibit the receipt of the issues of the United States assay office for customs and other public dues.

Now, I will state what our object was. It was to restrain the exercise of a legislative power usurped by the Secretary of the Treasury, to wit: the sovereign power of coinage; and to reduce the charge for doing what the law had authorized, to wit: the assaying of bars from two and three fourths per cent. to one per cent.; and to arrest the substitution and augmentation of a debased metallic currency for the lawful coins of the land, to their exclusion. We never intended to confer the coining power upon the Secretary of the Treasury in the provision of 1850, otherwise we would not have passed the act during the last session of Congress prohibiting the receipt of ingots made under the aforesaid provision, because that would have been a violation of contract. We never intended that any coin should be made and issued by the assaying office. We wished merely that bars should be prepared for commercial purposes.

The memorialists refer to the sub-treasury act for the authority for making these assayed bars receivable; but that law expressly enacts that all public dues "shall be paid in gold and silver coin only;" and it goes further, and enacts that if any officer shall neglect, evade, or violate this law, he shall be immediately reported by the Secretary of the Treasury to the President, with the facts of such neglect, evasion, or violation, and also to Congress.

Here is a palpable violation of the sub-treasury law, which is brought by these memorialists to the notice of the Senate and of the country, for they show that the collector of the customs at San Francisco has refused to conform to the law, and has taken the responsibility of receiving other gold and silver than the current coin of the land; and it has never been reported to Congress, as the law requires, nor has he been dismissed from office. I will not detain the Senate, but I will not permit false statements, concerning the interests of California, to go to the country without rebuke, exposure, and refutation. They say, for instance, that the establishment of this assaying office has raised the price of gold dust from $16 to $17 25 per ounce. This is not true. Competition and other causes independent of this assay office, have increased said price. Two and three quarters per cent., the price this assay office was allowed to charge, is about fifty cents per ounce; besides, as the miner loses his silver, worth about fourteen cents per ounce, subject to a charge for parting and alloy, the stamping of slugs costs the miner fifty-five cents or more per ounce, which is taken from his gold *in transitu* to the Mint at Philadelphia, where these slugs have to be separated, and are not more valuable than the mere dust itself. How, then, can the assay office, independent of other causes, have made the price of gold dust rise from $16 to $17 25? This office was intended to give a more merchantable form to the gold, and therefore was expected to be of some service.

It may be proper to make these slugs receivable for public dues at their real value, as my colleague has suggested, if that can be ascertained. The Mint publishes them to be worth $49 90 only for the gold they contain, and to be of irregular weight and value. They go on in this memorial, Mr. President, and present some extracts from memorials which came here last session in favor of a Mint connected with this assay office, and they presume to speak in the name of the people of California. Why, all these memorials originated at this assay office, and those of the last session were sent to me after the Mint bill passed the Senate. They sought to connect the two together in public estimation, and thus help their speculation of the assay office through the popularity of the Mint. As to the views of the people of California, they are not given in these memorials, for they never came from the people. They were got up by interested parties, who have reaped enormous profits from the order issued by the Secretary of the Treasury. But with all their exertions, sending them by express through the country as a Whig electioneering document, they could not get the signatures of more than a thousand out of the seventy thousand votes cast in the late election.

No coin is receivable for the public dues except that which is made so by authority of law; and no foreign coin can be received unless its value is regulated by law, and it particularly specified. The coining is one of the highest powers of this and other Governments; and if we had intended that this assay office should issue coin, do you suppose that we would not have provided a penalty for counterfeiting, debasing, or mutilating it? Could we have given this power without prescribing penalties for violations of the high trust devolved? The act, I repeat, was merely intended to furnish commercial facilities, to determine and stamp the fineness of gold bullion in bars, instead of leaving it in grains and lumps, and it was designed to accomplish this object, authorize this, and only this. I am prepared to show that there was plenty of coin in California to pay the public dues before this order was issued from the Treasury Department, making ingots receivable as coin. Coin always is and ever will be imported and exported according to the wants and course of commerce.

In 1848 and 1849, there was a great scarcity of coin, but it afterwards became abundant. And in my opinion, if it had not been for this usurpation of power, it would have remained so, and we should have got along very well until a Mint was established. But by the substitution consequent upon that usurpation of an inferior and debased currency, for the coins expressly and exclusively authorized by the laws of the United States to be received in payment of public dues, the coin was shipped out of the country.

I will now declare that I am entirely opposed to the manner in which the Treasury Department has proposed to construct a Mint in California, with all due deference to those to whom the progress of that work is intrusted. A new state of affairs has arisen in the bullion trade of the world, since the Mint in Philadelphia was planned and built; and the whole arrangements of a new Mint ought to be adapted to this change. The plan of the Mint projected is servilely copied from that in Philadelphia, with all its incongruities, and would not be suitable to my State at all. By the leave of the Senate, I will, on a fit occasion, ask their consideration of the question whether we had not better suspend the building of a Mint on the plan proposed, until we can ascertain from those who understand the subject, what kind of a Mint is best calculated for California. This can be better done after the fourth of March next, when those shall come into power who will hold themselves, and be held by others, to be fully responsible to the people for the manner in which they expend money appropriated by Congress.

Ever since I took my seat I have had to contend with the Philadelphia Mint, closely connected with this assay office, and attempting to establish a local monopoly, injurious alike to the interests of my constituents and of the commerce of the country. And I intend shortly to bring to the notice of the Senate abuses in the management of this Mint and its branches.

They have resorted to falsehood to mislead legislation, by misrepresenting the capacity of the Mint; and to conceal this imposture, they even neglected to separate silver from the gold, coining it without parting, contrary to the report of the Committee on Finance to which I have referred; thereby depriving the depositors of their silver, whom they, at the same time, charged for its extraction; and therein they defrauded them of that which legally belonged to them.

The poor miner who brings with him his savings

on his return to the Atlantic coast, unless he deposits so many ounces—I believe about seventy—as will pay the Mint for parting, and leave five dollars of silver over and above their charges, has his silver filched from him. It would be of no advantage to him, in the belief of the Mint officers, to have any sum less than five dollars in silver coin, yet by these filchings of small sums they augment their contingent fund annually to the amount of thousands of dollars. The rich depositor, who makes large profits from the miners of California, by speculating in their gold dust, and sends his accumulations to the Mint to the extent of thousands or millions of dollars, receives the silver from his bullion; but the humble owner of a few ounces, which he has earned by hard toil and kept by rigid economy, can receive no benefit from the parting process; his silver must go to the contingent fund of the Mint.

The legislation of the country has been in all respects liberal, just, and considerate. According to the existing laws, the depositor is entitled to have his gold coined without charge, and the silver separated therefrom for his benefit, and at cost of materials and labor only. The Mint, however, in the administration of those laws, makes the meanest exactions from him, taking that which he should receive to augment a fund for their expenditure, and avoid the disagreeable and dreaded duty of asking Congress for appropriations.

Lastly: I know, and am prepared to show, that the coin of the United States has been debased; and that the issue of gold coined during one year in one of the Mints, amounting to millions of dollars, was so much debased that it was under serious consideration whether it should not be entirely withdrawn from circulation.

APPENDIX.

MINT OF THE UNITED STATES, *Sept.* 24, 1850.

SIR: Adverting to my letter of yesterday, on the subject of your bill "to facilitate commerce by authorizing the manufacture of large rectangular coins or ingots at the Mint of the United States and its branches," and reasserting my approval of the object expressed in that letter, I beg leave to offer some remarks upon its chief provisions.

The shortness of the time debars me from entering into as much detail as would otherwise be proper. Permit me to say, that the third and thirteenth sections are not as free from ambiguity as is desirable in an enactment of law, and that the second, sixth, eighth, twelfth and fifteenth sections contain provisions, which, in my judgment, are not expedient, or are unsuitably parceled out to the officers of the Mint. Without waiting to give my reasons for these criticisms, as being of secondary importance, I come at once to the sections which I believe to be impracticable in their operations.

The second, fourth, seventh, and tenth sections taken together, provide for the casting of *coins* or ingots of specific denominations and values, from one hundred dollars to ten thousand dollars, (I hope you will excuse me here for pointing out the impropriety of the idea of "casting a coin," which runs through the entire bill: the word ingot is proper and sufficient.) It requires that those ingots shall be adjusted with an accuracy of fineness and weight, far more critical and refined than is required for our coins—namely, the half thousandth part in fineness, and the two one hundred thousandth part in weight. Lastly, it provides, that those ingots shall be subjected to an impression or coinage on each of their six sides and over the whole surface of them.

The practice of European nations proves that it does facilitate commerce to have large ingots or bars of gold, of an assured weight and fineness. And in respect to the State of California, it is manifestly desirable that her staple product, so far as it is intended for exportation, or for very large dealings, might be legally put into this form, just as the cotton of Louisiana is concentrated into bales; but then how does it become necessary or desirable to adjust them to a round value? Such bars are mainly, almost entirely an international currency, and any stamps or "tracery" we would put upon them, at whatever pains or expense, would not save them from being subjected to a fresh weighing, assay, and valuation—our troy ounces would be figured into kilogrammes or marks—our thousandths into carats, and carat grains—our even sum of dollars into pounds, francs or rix dollars, and their fractions; and not only so, but there might be found an irreconcilable variance of ten or twenty dollars in an ingot of ten thousand. We have never been able to take the commercial bars of Europe, any more than their coins, at their face.

The argument from this is, that all that the miner or trader wants is the assurance that his bar will pass in all lands for so many thousand dollars, exact money; but that it possesses a definite Mint value, resulting from a known weight and fineness; consequently it is not necessary nor desirable to adjust these bars to any given standard of fineness, nor to a specific weight, nor to a round value; they may be of any weight, any fineness, any value, according as the banker or miner has bullion to be put into that form. As to the stringent limits of weight and fineness stated in the bill, I assure you they are quite unattainable in business operations; and although I will not undertake to say, that to coin the whole surface of a large six-sided ingot would be an impossibility, provided there were an unlimited amount of time and money; yet I do not hesitate to pronounce it an impracticable measure, and if practicable, *useless*. The peculiar exterior aspect of a gold casting, is a better preservative against the arts of cutting and filing, than the most skillful and costly tracery that could be expended upon it. Trusting that you will receive these criticisms in a candid and courteous spirit, in which they are intended, and that the experience of the Mint in such a matter would be regarded as important, I now beg leave to offer a substitute to the whole bill. I have only to add, that I have omitted all the penal provisions, except as to the assayer, as entirely unnecessary; and happily so, as it would be next to impossible to prosecute such felonies to conviction. I have also omitted "assay offices," as none have been created by law separate from Mints, and when they are, they will, of course, be made to participate in the duties of this act.

Very respectfully, yours,

R. M. PATTERSON, *Director.*

Hon. W. M. GWIN, *United States Senate.*

A BILL to facilitate commerce, by authorizing the manufacture and issue of large ingots of gold, at the *Mint of the United States and its branches.*

1. *Be it enacted*, That it shall be lawful to manufacture ingots of gold at the Mint of the United States and its branches, whenever the same shall be requested by the depositors of gold bullion, which ingots shall be issued to such depositors in payment thereof: *Provided*, That such ingots shall not be of less value than ten thousand dollars.

2. *Be it further enacted*, That such ingots, before they are issued, shall be impressed with the words "MINT OF THE UNITED STATES," with the addition of the name of the place of the branch Mint, in case of issue from a branch Mint, with such further stamps as shall indicate the registered number and date, the fineness in thousandths, the weight in troy ounces, and the decimal parts of an ounce, and the net value in dollars and cents. Every such ingot shall also be accompanied with a memorandum from the Treasurer of the Mint, or branch Mint, stating the particulars in respect to the deposit, as is now customary in respect to deposits for coinage.

3. *Be it further enacted*, That the respective duties to be performed in execution of this act, shall be assigned by the Director of the Mint, to the subordinate officers of the Mint, or branch Mint, with the approbation of the Secretary of the Treasury, in such division and order as is most compatible with the duties now assigned by law to such officers: *Provided*, That the only accounting officer in this case shall be the Treasurer.

4. *Be it further enacted*, That gold bullion deposited for the purpose contemplated in this act, shall be subject to such charges and deductions, and no other, as are imposed by law upon bullion deposited for coinage.

5. *Be it further enacted*, That to secure a due accuracy and uniformity in the assay of such ingots, it shall be the duty of the Secretary of the Treasury, from time to time, to cause check assays to be made, under the supervision of the Director of the Mint, of samples from ingots which may be received into the Treasury of the United States, and if, in repeated instances, the error is found to exceed two thousandths, said Director shall certify the fact to the Secretary of the Treasury, and the President of the United States, and the assayer in fault, shall thenceforth be disqualified from exercising that office.

6. *Be it further enacted*, That all such ingots shall be receivable for debts due to the United States, of every sort, at the Treasury of the United States, or any of its offices or custom-houses, at the net Mint value stamped upon them, and attested by the accompanying memorandum.

VICKSBURG, MISSISSIPPI, *October*, 1850.

SIR: I have received your letter of the 24th ultimo, with the proposed substitute for my bill; and I have considered the criticisms and views they contain in that "candid and courteous spirit" which you invoke for them, and in which I am assured they were intended.

It is evident that, while we agree in the general object of facilitating commerce, we differ, perhaps irreconcilably, as to some of the means most desirable or requisite to prepare the gold bullion of California for that purpose; and that advantages sought by me have been by you overlooked. Under such circumstances, I shall discuss the subject generally, and further criticisms, or suggestions, from you, in reply, will be fairly considered.

You should believe that I have not submitted a bill, upon so important a subject, to the consideration of Congress, without having obtained and availed myself of full information concerning both the commercial and technical facts and provisions embraced in it, even to their more minute details.

The object of your proposed substitute appears to be to introduce, into our country, the crude, imperfect, and limited ingot system of European bankers, designed chiefly for international exchanges—a system which I consider antiquated, and wholly inadequate and inadmissible; and for which I propose to substitute, and by law establish, an improvement, which shall virtually consist in the fabrication of large gold coins, adapted alike to domestic and international payments of considerable amount.

You have justly compared the casting of gold into crude ingots, such as those proposed by you, to the packing of cotton in bales of any weight and quality. But the large coins which I desire to have made, by legislative direction, are analogous to the barrel of flour, of one hundred and ninety-six pounds weight, and of superfine, fine, or other specific denomination; or to the barrel, of two hundred pounds, of mess, prime, or cargo beef or pork; and other uniform packages of staple productions, of definite weight and specific quality, which are most conveniently and commonly bought and sold by tale, or by reason of the faith reposed in the brand of their inspection; which is by the Constitution of the United States left with the States respectively. As gold is the staple production of California, and as the Constitution prohibits coining by the States, it is fit and proper that the United States should extend to that State every facility requisite for the definite inspection in weight and quality, and for the stamping of this most valuable commercial article.

Having presented these preliminary considerations which will perhaps serve to indicate the points upon which we differ, I shall comment upon your remarks and criticisms, and the features of your proposed substitute for the bill, with freedom, but with justice and entire frankness.

I did not expect verbal criticisms; but as you have seen fit to question the correctness of the phrase, *to cast a coin*, I would remark, that the sand dollars of Mexico are castings; and that legally, as well as in fact, a coin is any piece of either of the more precious metals, of adjusted weight and fineness, which by law is made tender of payment for its nominal value in the country to which it belongs. And if ingots be not coins, they can be so made to be by suitable legislative enactments, whether the same be cast, hammered, rolled, or in any other way manufactured.

If you will turn again to the third and thirteenth sections of the bill, and read them more attentively, you will, perhaps, cease to consider them ambiguous. It is a matter of arithmetic to calculate from the gold now required by law to be contained in the eagle, or coin of ten dollars, the quantity which should be in an ingot or coin of one thousand dollars, or of any other given denomination. And there can be no difficulty of ascertaining the meaning of an enactment which authorizes the exchange of small coins for ingots of equal value, and the conversion of such ingots into such coins, at the Mint and its branches, by the recoinage thereof; thus providing a legally-authorized means for the redemption of those ingots, and for their recoinage into small pieces suitable for diffused circulation, and for minor commercial and domestic purposes.

With reference to the sections of the bill allotting to the different officers their respective portions of the work required for the fabrication of the large coins or ingots, I am not aware that there is in them anything incompatible with the proper functions of those officers. * * *

It is known to me that the bill would add to the judicial responsibility, and slightly to the labor of the assayer, by requiring him to verify the weights as well as the fineness of the ingots, and to certify the same by stamping thereon the said weight and fineness, and a discriminating mark, which shall indicate not only the place of issue, but also, privately, to the Director of the Mint, the individual assayer. Thus the assayer would become the only judicial officer, and might be held, as he should be, to the strictest responsibility. The Treasurer does not appear to be the proper officer to act judicially upon the work of the coiner, as he is required to do by section twenty-six of the act approved January 18, 1837; and it seems to be both fit and expedient that such a transfer of duty from the treasurer to the assayer, as I propose, should be one of the provisions of the bill. * * * * * *

When the above modifications of the bill shall have been made, it will, I think, conform to the present allotments of work in the Mint, based upon the act approved 18th January, 1837, except in the aforesaid transfer of judicial duty from the treasurer to the assayer. And as the said act was framed, and is, as I am informed, in close accordance with the practice of the Mint and your own views, I trust that, when so modified, the distribution of official duties to the respective officers will meet with your approbation. I have endeavored, in preparing the bill, to be guided by the act of January 18th, 1837, as much as possible, consistently with the ends to be attained. And if you can point out any inconsistency, impropriety, or imperfection, in its working features, I should be happy to have you do so, and will make the proper correction or alteration.

In your proposed substitute, you leave the allotment of the work of the respective officers undefined, and subject to the administrative regulation of the Director, approved by the Secretary of the Treasury,—instead of prescribing the same by legislative enactment. To all such arrangements I am utterly opposed, for the reasons: that, when an officer takes an oath faithfully to perform the duties of his office, as prescribed by law, he has the right to know definitely what those duties are; and when his securities give bond, jointly with him, to the United States, they have a similar right to know, precisely, what are the conditions of their bond: that when power is delegated, by legislation, to any administrative officer, it is fit and wise that, if practicable, it be explicitly defined: that when discretionary authority is granted loosely, or vaguely, it is apt to lead to negligence or abuse; and even if this should not happen, the most conscientious exercise of such authority by an officer may, if attended with accidental loss or failure, involve him in difficulty and unmerited censure; against which contingency precise legislation alone can protect him: finally, that any want of harmony between officers in their coördinate duties may give rise to embarrassing difficulties, unless said duties shall be fixed by law.

Having presented you my views upon those provisions of the bill which relate to the distribution of the work to the respective officers, and which you treat as of secondary importance, I shall now discuss your criticisms and remarks upon those features which you pronounce to be impracticable and of no utility.

I cannot concur with you in believing it "impracticable, and, if practicable, *useless*," to cover the six surfaces of a rectangular ingot with impressions and tracery. It may be deemed impracticable by the coiner of a Mint, and that such is the case, if you have spoken as its official head, I do not doubt. But I cannot do to the ingenious and skillful artisans of your city the injustice to believe that it would be impracticable for them to contrive machinery adapted to the purpose, which shall be neither very complex nor very costly. And I am assured, by accomplished mechanicians, that I am correct in believing the art and mechanical skill of our country fully adequate to, and prepared for, the fabrication or coinage of such rectangular ingots or coins, covered with impressions and tracery, with a degree of beauty and perfection far surpassing that of any of the coins hitherto struck in the Mint; and that such work can readily be done in New York, if not in your Mint or city.

With reference to the supposed uselessness which you have been pleased to ascribe to the execution of such work, if practicable, for reasons assigned by you, I would remark, that your objections apply as well to the coins of the United States now in use, as to the new and much larger coins which I propose to have created. It is equally true of both, if they find their way, by international commerce, into foreign countries, that they would be expressed in accounts, or actually converted by recoinage, into such weights, denominations and technical finenesses, as may be customary and legal in said countries. And so long as every nation or government, whether powerful or weak, important or insignificant, shall arbitrarily and capriciously vary, adopt, and fix for its own use and purposes, peculiar standards of weight, measure and value, will commerce have to tolerate, as it now does, in international exchanges and accounts, for all commodities and coins whatever, that complexity and variety of terms which you have adduced, as if it would belong only, and were a valid objection to such large coins as are provided for in the bill—an objection which, if it prove what you design, must also prove that all foreign commerce should cease, and which, therefore, is nugatory and absurd. Meanwhile, the Spanish-American dollar, wisely adopted by our country, will continue to be, as it has long been, the commercial unit of value of the world. And if the gold of California should take the place, even but in part, of the silver of Spanish America, large coins or ingots of definite denominations, in dollars, will circulate familiarly throughout the length and breadth of our land, and coextensively with our commerce and that of other nations over the globe.

You profess to be unable to see why ingots should not be of any weight, any fineness, any value whatever. Excuse me, then, for asking you why the gold coins at present struck at the Mint, may not also be of any weight, any fineness, any value whatever? Why might not each be only a piece of weighed and assayed, though crude metal,—protected against mutilation only by "the peculiar exterior aspect of a gold casting,"—stamped "with the words, MINT OF THE UNITED STATES," and "such further stamp as shall indicate the registered number and date, the fineness in thousandths, the weight in troy ounces, and the decimal parts of an ounce and the net Mint value in dollars and cents," the silver dollar being the standard unit, "accompanied with a memorandum from the treasurer of the Mint, or branch Mint, stating the particulars in respect to the deposit," and unprotected against counterfeiting, either by skillful workmanship or by penal statutes? If the paper memorandum should be lost or destroyed, as all of them sooner or later would be, coins of gold would still be precious metal, and they might be carried back to the Mint, at considerable expense and inconvenience, for reissue of memorandum or refabrication. There would no longer be decimal denominations, or round sums; and we would possess a coinage system of such plasticity and generality, that it might be suited to any caprice of circumstance or individual fancy; and their "net Mint values" would also fluctuate with every change in the rates of charges to depositors at the Mint.

With reference to the "unlimited amount of time and money" which you appear to think would be necessary to prevent the "impossibility" of coining the whole surface of a large six sided ingot, permit me say, that you will find it difficult to persuade either myself or others, that any great mechanical trouble or expense is to be apprehended in the execution of such work. You will, I presume, scarcely venture to assert that it will be more costly and laborious to adjust and impress one single coin of ten thousand dollars, than a thousand pieces of ten dollars each, or ten thousand pieces of one dollar each. And, certainly, you have not found it more convenient, expeditious, and economical to convert a large amount of gold into little dollar pieces, than to manufacture the same into double eagles.

Concerning the limits of deviation in fineness and weight which you pronounce to be "quite unattainable in business operations," to wit: the half of a thousandth part in fineness, and two hundred thousandth parts in weight, I certainly cannot be mistaken in the information I have received. I have learned that the alloying and assaying of gold may be, and that it is, performed with almost mathematical exactness: that the gold coins of the British Mint are of the uniform average fineness of 915.5 thousandths, and that at this rate you have been in the habit of receiving them at the Mint, and of paying for them without previously assaying each parcel of them: that the gold coins of France, Italy, and Holland are uniformly of the fineness of eight hundred and ninety-nine thousandths, and so received hitherto by you without assaying each lot: that the average quality of our own gold coins struck at the Philadelphia Mint of late years, scarcely varies appreciably from nine hundred thousandths, the legal standard. Also, that in the coördinate operations of the melting and assaying departments of the Mint, the usual variations from the exact standard do not exceed the limits of 899.8 thousandths, and 900.2 thousandths, within which limits errors of workmanship are ordinarily confined: that the limits of 899.5 thousandths, and 900.5 thousandths are rarely attained: that the Mint practice is to condemn any ingot as unfit for coinage, of which the deviation from the standard fineness considerably transcends either of these limits. If this be so, and the assayer of the Mint can testify whether it is or not, I can see no reason why the deviation in fineness of two thousandths, which you propose in your substitute for the bill, should ever be allowed by law; on the contrary, I can see strong reasons why it should not be done. A dishonest melter and refiner, through the connivance of a faithless, or the indifference of an incompetent assayer, might avail himself fraudulently of such loose legislation to commit with impunity the crime of embezzlement. It may, perhaps, be that the limits of 899.5 thousandths and 900.5 thousandths are too stringent for any but experienced and the most skillful officers. If this be so in the judgment of the chemical officers of the Mint, and you inform me thereof, I will willingly extend the legally allowed deviation, from the half to one thousandth part, so as sufficiently to protect honest though inexperienced Mint officers; but no greater allowance than one thousandth should be made, for the Government has the right to command not only fidelity but skill in the performance of such responsible duties.

Of the limits of deviation in weight for the large gold coins or ingots, to wit: two one hundred thousandth parts thereof, permit me to remark, that if it be true that the balances and weights constructed for the several States, and for the Mints of Philadelphia and New Orleans, at the office of Weights and Measures in Washington, under the present able Superintendent, and under the immediate direction of that accomplished machinist who is intrusted with the execution of the work upon them, as well as those made in the Mint at Philadelphia, either formerly under the charge of said machinist, or more recently of that of the coiner, be as perfect as they are said to be, there can be, and is, no difficulty in promptly weighing to its one hundred thousandth part any ingot of gold not exceeding in value the sum of $10,000. Is it not true that upon the balances in the office of the Treasurer of the Mint more than a thousand ounces of gold have been correctly weighed to the one hundredth of the ounce, the smallest weight used for the purpose, and the half of the one hundred thousandth of the entire load upon the balance? How, then, can it be unattainable to adjust the weight of large ingots within limits twice as wide as those adopted for weighing gold in the ordinary transactions of the Mints at Philadelphia and New Orleans? As however, such balances and weights may justly be considered masterpieces of workmanship, and can be properly used only by skillful and careful persons, whose services may not always be readily attainable, as the carelessness of a workman, in the hurry of heavy operations, might unjustly bring upon the responsible officers disgrace, or even the punishment prescribed by penal statutes, if the legal limits be too stringent, and said officer be not incessantly vigilant, as accidental injury or destruction might befall the balances, and render it necessary temporarily to employ others of inferior character; and as the branch Mints probably are not now and may not hereafter be provided fully with such instruments, it may be expedient or necessary, and I see no great objection, to extend the limit of deviation in weight, to be allowed by law for large gold coins or ingots to the one ten thousandth part. But Mint allowances designed by law properly to protect the working officers, by tasking them to the performance only of possibilities, should not be so loose as to exempt them from the proper exercise of skill and fidelity, or to tempt them, if dishonest, to the perpetration of crime. In avoiding one extreme, it were wise not to pass to the other.

With the above allowed deviations of one half of one thousandth in fineness, and one ten thousandth in weight, the variation in intrinsic value of the ingot of ten thousand dollars, could never differ legally more than six dollars from its nominal value; there never, therefore, would be, as you seem to think probable, a true and "irreconcilable variance of ten or twenty dollars in an ingot of ten thousand" between two determinations made independently, and with equal skill and integrity.

It should be borne in mind, that it is the effect of small unintentional errors of workmanship, occurring as often above as below the legal standards of weight and fineness, to compensate each other, and to render large quantities of coin of different issues strictly in conformity with said standards; and this compensation of errors, existing in fact, may even have been contemplated in previous legislation. In large ingots, or coins, the advantage of great numbers of pieces to compensate errors, is lost; and the skill of the officers should therefore be tasked to the utmost, to secure a just and rigid conformity in their average to the legal standards.

In conclusion, permit me to say of your expressed "trust that the experience of the Mint in such a matter will be regarded as important," that in whatever respect the business transactions, or the metallurgic and mechanical details of the ordinary coining operations of the Mint may have given it experience, it is both just and wise to attach particular importance thereto. But in such a matter as this, of coining large ingots, entirely new and untried, commercially and technically, no one can claim experience as the basis of opinions entertained. The present is an age of novelty and improvement, and our country is one of vast, rapid, and unexampled developments and progress. The electric telegraph is giving to thought ubiquity, and the steamship and locomotive are annihilating distances, so that those who aspire to lead, should not only be well acquainted with the past, but alive to the present, and thoughtful of the future.

Very respectfully, your obedient servant,

W. M. GWIN.

To the Director of the United States Mint.

A BILL to facilitate commerce, by authorizing the manufacture or coinage of large rectangular gold coins or ingots of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That gold bullion brought to the Mint of the United States, or either of its branches, or assay offices, and not intended for ordinary coinage in small pieces, may and shall hereafter be received, for the benefit of the depositor, to be melted, assayed, or refined, and cast into large rectangular coins or ingots of the United States, of the respective values of one hundred, two hundred and fifty, or five hundred dollars, or of the respective values of one, five, or ten thousand dollars each.

SEC. 2. *And be it further enacted*, That the standard fineness of the said rectangular gold coins or ingots of the United States shall be such that of one thousand parts by weight, nine hundred and eighty shall be of pure gold, and twenty parts of alloy, which alloy shall be of copper, or silver and copper mixed in any proportion.

SEC. 3. *And be it further enacted*, That the respective weights of the rectangular gold coins or ingots of the United States shall be such that they shall each contain the same quantity of pure gold that is now required by law to be contained in small gold coins of the legal standard of the United States, and of equal amount in value.

SEC. 4. *And be it further enacted*, That upon the rectangular gold coins or ingots of the United States there shall be stamped upon one side or face of each of said rectangular coins or ingots, the year, weight, and fineness, with an impression emblematic of liberty, and an inscription of the word "liberty," also some discriminating mark to designate the particular assayer by whom it was assayed, and the place where it was issued; and upon the other side there shall be stamped the denomination or value, with the figure or representation of an eagle, and the inscription, "United States of America;" and that the portion of each and every of the six surfaces, or faces, of said rectangular gold coins or ingots, which shall not be unimpressed as aforesaid, shall be covered with skillfully-devised tracery of grooved lines.

SEC. 5. *And be it further enacted*, That all the dies that shall be used to stamp rectangular gold coins or ingots of the United States shall be prepared and registered by the engraver of the Mint of the United States.

SEC. 6. *And be it further enacted*, That the rectangular gold coins or ingots of the United States to be thus prepared, shall be assayed by the assayer; and if they prove to be within the limits allowed for deviation from the standard fineness, he shall return them, with a certificate, to the melter and refiner to be delivered to the treasurer.

SEC. 7. *And be it further enacted*, That every rectangular gold ingot shall be condemned by the assayer of which the fineness differs more than the half of one thousandth from the legal standard.

SEC. 8. *And be it further enacted*, That when the coiner shall have adjusted the weight of the ingots, the assayer shall weigh them, and if they prove to be within the limits allowed for deviation from the standard weight, the assayer shall stamp each with his discriminating mark, and the coiner shall deliver them to the treasurer.

SEC. 9. *And be it further enacted*, That the treasurer shall deliver to the coiner the gold ingots received from the melter and refiner; and it shall be the duty of the coiner to take and stamp or strike upon each of them, the year, weight, fineness, legend, device, and tracery, with its denomination or value in conspicuous characters, before he shall deliver it to the treasurer. And at the assay offices this duty of stamping or striking upon the rectangular gold coins or ingots their proper years, weights, finenesses, legends, devices, tracery, and values shall be performed by the melter and refiner before he shall deliver the same to the treasurer. And in the settlement of the respective accounts of the melter and refiner and of the coiner with the treasurer, they shall each be allowed a credit for such necessary waste of gold bullion delivered to them to be manufactured into rectangular gold coins or ingots as shall have actually occurred in the operations employed for that purpose: *Provided*, That this allowance shall not exceed one thousandth part of the amount of gold bullion so delivered to each of those officers.

SEC. 10. *And be it further enacted*, That in adjusting the respective weights of the rectangular gold coins or ingots of the United States, no ingot shall differ more than one ten thousandth part in weight from its legal standard.

SEC. 11. *And be it further enacted*, That for rectangular gold coins or ingots of the United States, the only subjects of charge to the depositor shall be the following: For refining when the bullion is below standard; for toughening when metals are contained in it which render it brittle or unfit for coinage; and for separating the gold and silver when these metals exist together in the bullion: and that the rate of these charges shall be fixed, from time to time, by the director of the Mint and the Secretary of the Treasury, and shall be the same as the rate of charges, for the same operations, performed upon bullion deposited in the Mint and its branches for coinage into small gold coins.

SEC. 12. *And be it further enacted*, That no charge shall hereafter be made to the depositor of gold bullion for copper used for alloy of gold coins or ingots.

SEC. 13. *And be it further enacted*, That the Treasurer of the United States, the Assistant Treasurers of the United States, the Treasurers of the Mint, its branches, and assay offices, and the designated depositories of the Treasury, may at any time receive rectangular gold coins or ingots of the United States in exchange for small gold or silver coins of the United States. And it shall be lawful for the Mint of the United States and its branches, to convert rectangular gold coins or ingots of the United States into small coins, but the same shall be delivered to the melter and refiner as bullion, by weight and actual assay.

SEC. 14. *And be it further enacted*, That for all sums whatever, rectangular gold coins or ingots of the United States, made in pursuance of the provisions of this act, shall be legal tenders of payment, according to the nominal value.

SEC. 15. *And be it further enacted*, That to secure a due conformity in the rectangular gold coins or ingots of the United States to their respective standards of weight and fineness, specimens thereof shall be selected, transmitted to the Director of the Mint, and examined before the commissioners of assay, who shall meet annually at the Mint, in the manner and in pursuance of the regulations prescribed by sections twenty-seven and thirty-two of the act supplementary to the act establishing a Mint and regulating the coins of the United States, approved January eighteen, eighteen hundred and thirty-seven. And the better to secure the said conformity, it shall be the duty of the Director of the Mint, from time to time, to take indiscriminately from the circulation of the country, rectangular gold coins or ingots of the United States, and cause such examination thereof to be made as he may consider fit and requisite.

SEC. 16. *And be it further enacted*, That if any of the rectangular gold coins or ingots of the United States which shall be made at the Mint, or at either of its branches or assay offices, shall be debased, or made worse as to the proportion of pure gold that ought to be therein contained; or shall be of less weight or value than the same ought to be pursuant to this act, through the default or with the connivance of one or more of the officers or persons who shall be employed at the Mint, or at either of its branches or assay offices, with the purpose of profit or gain, or otherwise with a fraudulent intent; every such officer or person, who shall

commit any or either of said offenses, shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment at hard labor for not exceeding ten years, and by a fine not exceeding ten thousand dollars, according to the aggravation of the offense.

SEC. 17. *And be it further enacted*, That if any person or persons who shall be employed in the Mint of the United States or in either of its branches or assay offices, shall fraudulently take, embezzle, steal, or carry away any bullion deposited therein, or any ingots made or deposited therein, or which shall have come into his possession or custody, by virtue of such employment, every person so offending shall be deemed guilty of felony; and on conviction thereof, he shall be punished by imprisonment at hard labor for not exceeding ten years, and by a fine not exceeding ten thousand dollars, according to the aggravation of the offense.

SEC. 18. *And be it further enacted*, That if any person or persons shall fraudulently, and for gain sake, by any art, way, or means whatsoever, impair, diminish, falsify, scale, or lighten any rectangular gold coin or ingot of the United States, which has been made, or may hereafter be made, at the Mint of the United States, or at either of its branches or assay offices, or shall cause or procure either of said acts to be done, or shall willingly aid or assist in doing, or in causing or procuring to be done, either of said acts, every person so offending shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment at hard labor for not exceeding ten years, and by a fine not exceeding $10,000, according to the aggravation of the offense.

SEC. 19. *And be it further enacted*, That if any person or persons shall falsely make, forge, or counterfeit; or cause or procure to be falsely made, forged, or counterfeited; or willingly aid or assist in falsely making, forging, or counterfeiting any coin or ingot in the resemblance or similitude of the rectangular gold coin or ingot which has been, or may hereafter be made, at the Mint of the United States, or at either of its branches or assay offices; or shall pass, utter, publish, or sell, or shall bring into the United States from any foreign place, with the intent to pass, utter, publish or sell, as true, any such false, forged, or counterfeit coin or ingot, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person or persons whatever; every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by imprisonment at hard labor for not exceeding ten years, and by a fine not exceeding $10,000, according to the aggravation of the offense; *Provided always*, That it shall be lawful for any person to make ingots of gold or silver, or of gold and silver, and to certify, by durable impression thereon, the true weight and value of the gold or silver, or of the gold and silver, contained in each ingot, with some private legend and device, and with his proper name, after he shall have delivered a copy of such legend, device, and name, to the director of the Mint, or to the superintendent of either of its branches, or to the treasurer of one of its assay offices, who shall record the same, together with his place of business and residence, or cause it to be done in books to be kept for such purpose in the Mint, and in each of its branches and assay offices.

SEC. 20. *And be it further enacted*, That nothing in this act contained shall be construed to deprive the courts of individual States, of jurisdiction, under the laws of the several States, over offenses made punishable by this act.

A BILL to establish Assay Offices of the Mint of the United States at Stockton and Sacramento City, in California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That offices of the Mint of the United States shall be established at Stockton and at Sacramento City, in California, for the purpose of assaying and refining gold bullion not intended for coinage, and of casting the same into ingots or bars of fine gold, or into bars of gold and silver.

SEC. 2. *And be it further enacted*, That for the purpose of purchasing sites, erecting suitable buildings, and completing the necessary combinations of machinery for the aforesaid assay offices, the sum of one hundred thousand dollars is hereby appropriated.

SEC. 3. *And be it further enacted*, That temporary buildings shall be procured or erected immediately, for carrying on the business of the aforesaid offices, and that the following officers shall be appointed, upon the nomination of the President, by and with the advice and consent of the Senate, to wit: one treasurer, one assayer, and one melter and refiner. And the said treasurer shall engage and employ as many clerks and subordinate workmen and servants as shall be provided for by law. And the salaries of said officers and clerks shall be as follows: to the treasurer, the sum of five thousand dollars; to the assayer and to the melter and refiner, the sum of four thousand dollars each; to the clerks, the sum of three thousand dollars each; and to the subordinate workmen and servants, not exceeding fifteen in each office, such wages and allowances as are customary and reasonable according to their respective stations and occupations.

SEC. 4. *And be it further enacted*, That said offices shall be depositories for such public moneys as the Secretary of the Treasury may direct to be deposited therein; and the treasurers of said offices shall have the custody of the same, and shall perform the duties of assistant treasurers, and for that purpose shall be subject to all the provisions contained in the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August sixth, eighteen hundred and forty-six, which relate to the treasurer of the branch Mint at New Orleans.

SEC. 5. *And be it further enacted*, That the officers and clerks to be appointed under this act shall, before entering upon the duties of their offices, take an oath or affirmation before some judge of the United States, or judge of the superior court of any court of record of any State, faithfully and diligently to perform said duties; and they shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint and the Secretary of the Treasury, with condition for the faithful and diligent performance of the duties of their offices.

SEC. 6. *And be it further enacted*, That the general direction of the business of the said assay offices of the Mint of the United States, shall be under the control and regulation of the Director of the Mint, subject to the approbation of the Secretary of the Treasury; and for that purpose, it shall be the duty of the said Director, to prescribe such regulations, and require such returns, periodically and occasionally, as shall appear to him to be necessary, for the purpose of carrying into effect the intention of this act, in establishing the said assay offices; also, for the purpose of discriminating the bars or ingots which shall be stamped at each office; also, for the purpose of preserving accuracy of weight and fineness in the bars stamped at each place; and to require the transmission and delivery to him at the Mint, from time to time, such bars or ingots of each office as he shall think proper to be subjected to such assays and tests as he shall direct.

SEC. 7. *And be it further enacted*, That all the laws and parts of laws made for the regulation of the Mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offenses committed by persons connected with the Mint shall be, and the same are hereby, declared to be in full force, in relation to each of the assay offices by this act established, so far as the same shall be applicable thereto.

KEY WEST AND TORTUGAS.

SPEECH OF HON. E. C. CABELL,

OF FLORIDA,

On the subject of fortifying Key West and Tortugas: prepared from notes of remarks made by him in the House of Representatives, December 21, 1852.

The House being in the Committee of the Whole on the state of the Union, on the resolutions to refer the annual message of the President of the United States, Mr. CABELL, of Florida, offered the following resolution:

Resolved, That the Committee on Military Affairs, to whom has been referred so much of the President's message as relates to fortifications, be instructed to inquire into the expediency of appropriating the amount necessary to *complete* the fortifications at Key West and Tortugas, known as Fort Jefferson and Fort Taylor.

Which being read, Mr. CABELL said:

The proposition I submit for the consideration of the committee does not involve the question of the merits or demerits of that "magnificent," and which in reference to the advanced stage of military science, nautical skill, and steam power, has been styled that "absurd *system* of coast defense," about which so much has been written and spoken, and which was so decidedly condemned by the present House of Representatives at its last session. I acquiesce, to some extent, in the propriety of some of the denunciations of certain "wild and extravagant schemes," which have, in times past, been recommended by high official authority. The language used by an able writer on this subject, that "these schemes are Utopian in the extreme, and fit only to be discussed by the inmates of a mad house," is not perhaps too strong in reference to some of them. I will not, however, discuss this topic at this time.

But whatever objection may be made to the subject of fortifications generally, or to any particular system, I think that the public mind is satisfied that there is great propriety in fortifying the points to which I have called the attention of the committee—Key West and Tortugas. Every consideration of *national* policy demands that the construction of the works, commenced more than five years ago, at these points, should be continued and prosecuted to completion as soon as possible.

I speak not now as the representative of Florida, for this is a matter in which my own State has comparatively less direct interest than even New York and Massachusetts. It is a question deeply affecting the trade, commerce, and navigation of every section of the United States, and indeed of the world. But these important points are in the State I have the honor to represent, and it is perhaps most appropriately my duty to urge upon Congress the necessity of taking prompt measures with reference to them. Their importance and the interests involved in their complete fortification, cannot be too highly estimated. They are the *keys* to the Gulf of Mexico, to the West Indies and the Caribbean sea. Being in the *direct line of navigation*, the entire Gulf commerce must pass near and in sight of them. A large portion of the export and import trade of Georgia, the whole trade of Alabama and the other Gulf States, and of the valley of the Mississippi, of Mexico, of the Caribbean sea, and of the eastern coast of South America, as far down as La Plata, including the rich and almost unexplored country watered by the Amazon, "the King of Rivers," navigable for three thousand miles, and its tributaries, said to be capable of sustaining a population of two hundred millions, *must pass through the Florida Straits*.

In a late publication I stated that "property of upwards of $200,000,000 in value, it is estimated, annually passes along a large portion of the Florida coast."

In making this estimate I was controlled by an estimate of the Treasury Department, made in a communication to the Senate at last session, (Sen. Doc. No. —, in relation to the Florida Ship Canal,) in which the value of the *merchandise*, annually shipped to and from the Gulf ports, was put down at $250,000,000. Though I believed then it was an under estimate, I deducted $50,000,000 from it, to avoid any charge of extravagance, which I had heard made against the Treasury estimate. Since then I have investigated this matter with care, and am now fully convinced that the value of our Gulf trade, commerce and navigation, was underrated perhaps one half of its true value. And since the Treasury report I have cited was made, the subject has undergone further and fuller investigation by Mr. Hodge, the Assistant Secretary of the Treasury, and I have seen a letter addressed by him, some weeks ago, to Mr. Andrews, correcting his former report, and estimating *our* Gulf trade, commerce and navigation, as amounting annually to $325,000,000. This is of the *Gulf ports of the United States only*. All this must pass, wheresoever bound, within sight of Tortugas and Key West. In this estimate the $60,000,000 of gold annually received from California, by the Chagres and Nicaragua steamers, the value of the other property or merchandise carried both ways by these steamers, the value of the tonnage in that trade; our Cuba trade and tonnage, worth more than $30,000,000 annually; our trade and tonnage with other West Indies and with Honduras, amounting annually to at least $25,000,000 more; our annual trade and tonnage with Brazil, worth more than $20,000,000 more; and our trade and tonnage with all the eastern coast of South America, down to La Plata, *are not included*. Most of this trade, particularly on the homeward voyage, passes through the Florida Straits, and near to Tortugas and Key West. Considering all this trade, commerce and navigation, and estimating the tonnage at $50 per ton, (instead of $75, as stated by Mr. Hodge, which is perhaps too high an estimate for a series of years, though it may be reasonable at this time,) I hesitate not to say that the value of *American* "property," annually passing through these straits, instead of being but $200,000,000, actually exceeds $400,000,000. In this estimate none of the British, French, Dutch, Spanish, Mexican, or other foreign "commerce or navigation" passing through these straits is included. It amounts annually to at least $125,000,000. My information on this subject has been collected with very great care; I feel assured of the correctness of my statements, but will be happy to rectify them if shown to be erroneous.

Where, I ask, Mr. Chairman, is there on the face of the globe a position belonging to any country so important for the defense of that country, and for attack upon the commerce of an enemy, and for the protection of its commercial and navigating interests to such an immense amount, as these facts show Key West and Tortugas to be to the United States?

My estimates are in round numbers. No official returns of our coasting trade are received at the Treasury. Estimates of it, therefore, can only be approximated, and are to be gathered and compiled from statistics otherwise obtained. Our census returns of products and manufactures of the different States, and the statements in commercial magazines and newspapers prepared by the chambers of commerce, or other reliable local authorities of the different cities and ports, furnish the chief data.

The value of our *exports* of raw cotton alone to foreign countries for the year ending 30th of June, 1851, was $112,315,317, more than two thirds of which was from the Gulf ports; to which should be added 405,108 bales consumed in this country,

out of a crop of 2,355,257 bales. The whole cotton crop of the United States for the year ending September 1, 1852, was 3,015,029 bales, of which 603,029 bales were consumed in this country. The entire crop of the world for the same period is estimated at 3,448,000. The States of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Florida, and part of Georgia, produced and shipped through the Gulf ports 2,175,464 bales, or 165,445 bales more than two thirds of the entire crop of the United States for the year ending September 1, 1852. Estimating the bales to average 450 pounds, the crop amounts to 978,958,800 pounds, which, at the average price of nine cents per pound, makes the value of the cotton crop alone from the States I have named $88,206,292; the whole of which, whether shipped to foreign ports or to the Atlantic cities, *must pass through the Straits of Florida.* Most of the merchandise, foreign or domestic, purchased with the proceeds of the sale of this crop goes back to the States which produced it *by the same channel*, and its value is generally quite equal to that of the cotton. So also is it with respect to the sugar, tobacco, hemp, lumber, rice, naval stores, and all the products of the same regions, and of other western and northwestern States, and the immense shipments, foreign and coastwise, of breadstuffs, pork, bacon, lard, beef, tallow, and other products of the whole Mississippi valley made through New Orleans, and the return merchandise, &c.; to which should be added the tonnage engaged in this immense trade, both outward and inward bound.* Examination and reflection, and a proper consideration of these matters, will not only verify my estimate, but will satisfy every one how vitally all the States and regions of country I have mentioned are interested in the measure I now propose.

The construction of a ship-canal or railroad across the Isthmus of Tehuantepec, or the completion of similar works elsewhere, at Nicaragua, at Panama, or Atrato, will secure much of the trade of China, of the East Indies, and the Asiatic seas generally, and of the Pacific ocean. An inter-oceanic railroad communication at Tehuantepec would probably, in a few years, double the value of the Gulf trade, and a *ship-canal*, through which would pass *all* the vessels engaged in the whale fisheries, and most of those owned in this country and in Europe, trading in the Pacific ocean and Asiatic seas, would more than quadruple the value of the present trade, commerce and navigation passing through the Florida Straits. To what extent this value will be increased, when time and Anglo Saxon energy shall have developed the resources of the "Great West," and of that magnificent region embraced in the vast "Amazonian basin," the imagination can scarcely conceive.

All this commerce and navigation will be "at the mercy" of any strong naval power in possession of Key West and Tortugas.

The attention of Congress has been repeatedly called to the importance of fortifying the places to which I have made reference: first by Mr. Monroe, who was President at the time of the acquisition of Florida, and since his time by most of the Presidents, Secretaries of War, and engineers who have examined the subject.

In my investigations I have been greatly aided by reference to a highly valuable document, communicated by the Treasury Department to Congress at the last session, respecting the trade, commerce, and navigation of the United States, which was prepared by J. D. Andrews, Esq., the intelligent and able United States Consul for St. John's, New Brunswick. It is now being printed by order of both Houses, and is, in my judgment, one of the most important reports ever laid before Congress. I have been allowed to make reference to, and extracts from some of the proof sheets, which, at my request, were politely furnished to me. An appendix to that report contains an important paper, prepared, as I learn, principally from data and notes furnished by one of the most intelligent engineer officers in the service, relating to the Gulf of Mexico and Straits of Florida. This document (Ex. Doc. H. No. 136, 1st sess. 32d Cong.) will soon be laid on our tables, and I solicit members to read the paper I refer to attentively.

In the American State Papers, volume entitled Naval Affairs, page 871, there is a message of President Monroe, January 20, 1823, communicating a report from Smith Thompson, Secretary of the Navy, in which he says, speaking of Key West:

"From the report of Lieutenant Commandant Perry, [now Commodore M. C. Perry,] who was charged with this duty, it has been satisfactorily ascertained that this position affords a safe, convenient, and extensive harbor for vessels of war and merchant vessels." * * * * *

"There can be no doubt, however, of the importance of this Island, and its contiguous waters in various points of view. The harbor affords a safe and convenient rendezvous for our public vessels, cruising in the West Indies and the Gulf of Mexico; and the Island a very suitable depôt for provisions and supplies. From the peculiar dangers of the navigation along the coast, and among the Florida keys, our merchant vessels are frequently driven by distress to seek a harbor; and for want of one in our own waters, are under the necessity of making a port in the Island of Cuba, which subjects them to considerable additional expense. This Isl and [Key West] also affords a very eligible depôt for wrecked property, and which is highly necessary and advantageous where the navigation is attended with so many dangers and difficulties. We are at this time, in a great measure, dependent on the wreckers of *New Providence* [in the Bahamas] for the protection of property in case of shipwreck. This not only gives employment to a great number of foreign vessels and seamen, but it subjects our m rchants to heavy expenses. These are some of the obvious benefits of this position in time of peace; but its advantages in time of war with any Enropean Power having West India possessions, are still more important both as it respects the protection of our own commerce and the annoyance of our enemy. An enemy with a superior naval force occupying this position could completely intercept the whole trade between those parts of our country lying north and east of it, and those to the west, and seal up all our ports within the Gulf of Mexico," &c.

The late Commodore Rodgers, in an official letter, written November 24th, 1823, (*ibid.*, p. 1121,) says of Key West:

"As an auxiliary to an extensive and permanent southern naval depôt, (perhaps at Pensacola;) such as a proper security for our commerce, and the permanent union of the States seem to render indispensable; it will be found, I am inclined to believe, that the Island in question will soon become an object worthy of the serious attention and consideration of the Government. *Nature has made it the advance post from which to watch and guard our commerce passing to and from the Mississippi; while at the same time its peculiar situation, and the excellence of its harbor, point it out as the most certain key to the commerce of the Havana, to that of the Gulf of Mexico, and to the returning trade of Jamaica, and I venture to predict that the first important naval contest in which this country shall be engaged, will be in the neighborhood of this very Island,*" &c.

The late Commodore David Porter, it is well known, repeatedly expressed his opinion that Key West and Tortugas were the most important points in the Gulf, and he unhesitatingly avowed, on all occasions, his decided preference for Key West as a naval station. Before he left our service, and while in command of "the Mosquito fleet" against the Cuban pirates, he rendezvoused at Key West; and after he became Commander-in-Chief of the Mexican Navy, he adopted the same course. In the "Appendix" referred to, it is stated that he effectually blockaded Havana and Matanzas, though protected by the Spanish Admiral Laborde with a superior force.

Indeed, Key West and Tortugas are so situated as to command the Havana and Matanzas as effectually as they do the trade of the Gulf passing through the straits between the Island of Cuba and the Florida Keys. And they have an advantage over the Havana in two respects: The first is, that the very narrow entrance, and the eddies and rapid currents of the straits, sweeping along the rock-bound Cuban shore, render it difficult, and frequently impossible, to enter that port, if the wind is at all unfavorable; whereas no harbors perhaps in the world are more easy of approach and entrance than Key West and Tortugas. But the most important difference and advantage is, that it is impossible, except with a *greatly superior force*, to *blockade* either of these Keys, each having more than one pass to the Straits and the Gulf.

In December, 1851, Secretary Conrad, in obedience to a call from Congress, made a communication to this House, on the subject of fortifications, replete with valuable information. On page 9, (Ex. Doc., No. 5, 1st sess. 32d Cong.,) he says:

"The two remaining works now in course of construction, are those on Key West and the Tortugas. *In relation to these there can be but one opinion.* These islands, situated directly in the narrow channel between the southern extremity of Florida and the Island of Cuba, may be said to command the northern gateway of the Gulf, as Jamaica does its southern. The latter is in possession of the only nation from whose naval power the United States have anything to apprehend. Were these Islands, with their fine harbors, also to fall into her hands, they would enable her to cut off all communication between our naval forces on the Gulf and those on the Atlantic, to obtain complete control over the Gulf, and block up the vast and increasing commerce of which it is the theater. A railroad across the Isthmus of Tehuantepec, (the existence of which, at no distant period, can hardly be doubted,) would impart additional importance to the Gulf, as it would then become the main channel of communication between the Atlantic and the Pacific; and recent events admonish us that our progress in that quarter is watched with jealousy by more than one of the great Powers of Europe.

"I am, therefore, decidedly of opinion, not only that these two works should not be abandoned, but that they should be *completed as soon as practicable.*"

General Totten, in his report, (*ibid.*, p. 52,) says:

"*A naval force designed to control the navigation of the Gulf, could desire no better position than Key West or the Tortugas.* Upon the very way-side of the only path through the Gulf, it is at the same time well situated as to all the great points therein. It overlooks Havana, Pensacola, Mobile, the mouths of the Mississippi, and both the inlet and outlet of the Gulf.

"*The Tortugas harbor and that of Key West affords perfect shelter for vessels of every class, with the greatest facility of ingress and egress.* And there can be no doubt that an adversary in possession of large naval means, would, with great advantage, make them his habitual resort and his point of general rendezvous and concentration for all operations on this sea. With an enemy thus posted, the navigation of the Gulf by us would be eminently hazardous, if not impossible, and nothing but absolute naval superiority would avail anything against him. Mere military means could approach no nearer than the nearest shore of the continent. *There are no harbors in the Gulf at all comparable with these*, that an enemy could resort to with his large vessels. To deprive him of these would, therefore, be interfering materially with any organized system of naval operations in this sea. The defense of these harbors would, however, do much more than this. It would secure to our own squadron, even should it be inferior, the use of these most valuable positions, and would afford a point of refuge to our Navy and our commerce at the very spot where it would be most necessary and useful.

"I forbear to enlarge on this point, merely adding that certain and complete defense will be easily secured, and that we shall thereby possess ports of refuge in the middle of the Gulf whenever we have to fly, and points of rendezvous and refreshment in the very midst of all passing vessels whenever we hold the mastery. *Every vessel that crosses the Gulf of Mexico passes within sight of the two forts* commenced under the sanction of Congress and now in progress—one *at Tortugas*, and one *at Key West.*"

Lieutenant Maury, of the Navy, one of the most intelligent and scientific officers in the service—whose liberal and enlarged views show that he keeps pace with the improvements of the age—who, with nothing of old fogyism in his composition, is a man of wise and prudent progress—who has condemned in language stronger, perhaps, than has been used on this floor, that "system of fortifications" which found so little favor in this House, and whose recommendations are, therefore, entitled to credit with those who are not opposed to *all works of defense*—says at page 166, same document:

"The only fortifications that are wanted along our Atlantic sea-board, *except those at Key West and the Tortugas*, at Ship Island, and at one or two more such places, are those which will protect our cities and towns from the broadsides of men-of-war.

"The forts already completed, or well advanced towards completion, are believed to be sufficient for this. They should, however, be mounted with *heavier ordnance, and pieces of the most effective caliber for throwing explosive shot and shells.*"

The entire report of Lieutenant Maury possesses great interest, is full of useful information, and will amply repay perusal and study. From p. 179 to 184 inclusive, he treats of the defenses of the Gulf of Mexico, and proves in a masterly manner, that the measure I propose is not only important, and one that concerns the whole country, but that it is *essentially necessary* to protect the Commerce of the Gulf. So cogent and conclusive is his reasoning, and so valuable his suggestions, that I feel I would do injustice to the cause I advocate, were I not to ask special attention to them.

Beginning at page 180, he says:

"The plan, therefore, of providing permanent fortifications for the Gulf, seems to be this: that we should select a few of the points which would be most important for us as places of refuge and rendezvous, and which, if occupied by an enemy in war, would enable him the most to annoy us, and fortify them.

"These points are Key West and the Tortugas, and perhaps Ship and Cat Islands. In a commercial and military sense, the Gulf of Mexico and the Caribbean sea are but an expansion of the Mississippi and Amazon rivers. In this view of the subject, the mouth of the Mississippi is not

*Colonel Abert, Chief of Topographical Engineers, in a report to the Senate of the United States, estimates the trade of the Mississippi alone for the year 1850 at $274,000,000, and for the year 1860 at $494,000,000. A portion of it passes inland, by railroads and canals, to and from the Atlantic seaports.

at the Balize, nor that of the Amazon at Para. *They are both in the Florida pass, between Key West and Cuba.*

"For one half the year there is a sort of monsoon in the Gulf of Mexico; during this period the winds are from the southeast; at this season, therefore, the winds and the currents in the Yucatan pass are such as to prevent the passage that way of vessels from the Gulf.

"Moreover, the Island of Jamaica, where the English have a naval station, overlooks the Yucatan pass. When the northeast winds prevail, the Yucatan pass is open to sailing vessels; but a few steamers, with Jamaica as the center of operations, would close it to our commerce.

"When the southeast winds prevail, the route of a sailing vessel bound from the Gulf to Jamaica, is not through the straits of Yucatan; it is through the Florida pass by Key West, and then back on the south side of Cuba. Now a maritime enemy seizing upon Key West and the Tortugas, could land a few heavy guns from his ship, and make it difficult for us to dislodge him. Here, railroads and the telegraph do not reach, and as long as he should hold that position, so long would he *control the commercial mouth of the great Mississippi valley.*

"In that position he would shut up in the Gulf whatever force inferior to his own we might have there. He would prevent reinforcements sent to relieve it from Boston, New York and Norfolk, from entering the Gulf. Indeed, in a war with England, the Tortugas and Key West being in her possession, it might be more advisable, instead of sending from our Atlantic dock-yards a fleet to the Gulf, to send it over to the British islands, and sound the Irish people as to throwing off the yoke of allegiance."

* * * * * * *

"In an expedition upon Jamaica, Key West being in the hands of the enemy, it would be difficult for our Gulf and Atlantic forces to unite.

"Therefore the works at Key West and the Tortugas should be provided with shell guns of the most destructive caliber, and their walls should be substantial enough to resist the concussion of a man-of-war broadside. They are wanted to give protection to our fleeing merchantmen, to afford a refuge to our fleets until time and opportunity and circumstances serve for striking the blow, or making a move. They are wanted by us, because they would be so immensely valuable to an enemy.

"The railroads that will be in operation from Pensacola and Mobile soon, and probably before any additional fortifications can be erected there, will secure these places from invasion, and seizure; and the works already there, with a few more guns in open battery along the beach, would effectually protect them from the great guns of ships. Still, an enemy with a fleet superior to the one we might have in the Gulf, could anchor along the shore, as he can in the Chesapeake, and greatly harass our commerce there. No system of fortifications can prevent that.

"In the next maritime war, (and in such a war we have nothing to fear from any quarter except one,) it is not upon the Atlantic, properly speaking, that the great sea fight is to take place; it is in the Gulf of Mexico, or near the English shores.

"Jamaica is an important naval station; it commands one entrance to the Gulf. There *Great Britain* can assemble her fleet, and *within three days have it off the Balize*, in position to strike a terrible blow at the commerce of that valley. *Shutting up the Florida pass, she would have complete control of the Gulf.* Norfolk and New York are inconveniently situated to defend it. Some years ago a man-of-war was sent with dispatches from Norfolk to Pensacola; she was fifty-odd days in making the passage."

* * * * *

"We have turned the corner, and are now going ahead in the peaceful race for the commercial supremacy of the seas; the next trial is to be for maritime supremacy of another sort. It is hoped that the day for that contest is far distant. But every people are liable to war; and it is a fact which we cannot blink, that in providing for the contingency, our statesmen and warriors must, for many years to come, have an eye to the forces which Great Britain, rather than any other Power, can bring against us. But let that contest come when it may, it is most likely to be decided in the Gulf of Mexico, and its twin basin, the Caribbean sea; they are the receptacles of all that the two grandest systems of river basins in the world will have to pour into the lap of commerce. The valley of the Mississippi on one side, and the valley of the Amazon on the other, will in time make these two arms of the sea the commercial center of the world.

"The mouth of the Amazon, the mouth of the Orinoco, and the mouth of the Magdalena, are, commercially speaking, almost as much in the Florida pass as is the mouth of the Mississippi river. Such is the course of the currents, and such the direction of the winds, in that part of the world, that a vessel sailing from the mouth of any one of these rivers for Rio de Janeiro, in Brazil, or for India, or for the markets of the Pacific around Cape Horn, or for Africa, or for Europe, has first to steer to the northward and westward, until she reaches the parallel of 25° or 30° north. This brings her off our own shores; and it is impossible for her to pursue any other route, so long as the northeast trade winds prevail, or the great equatorial current which feeds the Gulf stream continues to flow across the Atlantic. *No vessel trading under canvas from the mouth of these rivers to the markets of South America, Europe, Asia, or Africa, can go any other way. They must pass by our doors.*

"Therefore, in planning a system of national defenses, who can over estimate the importance of the Gulf of Mexico as a nucleus of naval means, the center of naval operations? *That center is at Key West and the Tortugas; hence the great need of strong works there.*"

* * * * * * *

"The Amazonian basin, embracing an area more than twice the extent of our great Mississippi valley, fills too large a space in the world to escape attention from us, when we are in the very act of laying the foundations for a permanent system of national defense. With all the climates of India, with unheard-of capacities of production, and the most boundless sources of wealth in the field, the forest, and the mine, that valley, so soon as it shall begin to feel the axe and the plow, will pour into our lap a commerce, the value of which is as limitless as are its own vast resources. Nature has placed us in the position to command that commerce. The great business of fetching and carrying there must be ours. For coming and for going, the winds are fair for us; and we are the only nation for whose shipping they are so fair.

"That arm of the ocean which severs the continent nearly in twain, to make between the 'Father of Waters' at the north, and the 'King of Rivers' at the south, a receptacle for their commerce, is receiving from the Mississippi valley alone an amount of produce that astonishes the world. Yet the Mississippi valley is not half peopled up. What, therefore, will the oceanic basin, this commercial receptacle for the surplus produce of the two grandest systems of river basins on the face of the earth, be, when the great Amazonian valley, of double area, with its everlasting summer, and its endless round of harvests, comes to be subdued and brought into cultivation? What the Gulf of Mexico is now, is as nothing to what it is to be. It abounds with commercial elements that cannot be comprehended for their magnitude; and in proportion as it becomes the seat of maritime wealth and greatness, so, too, must it become the center of naval strength and power. As Columbus lay sick, it was upon the waters of this sea-basin that the angel visited him in a dream, and told him that God had made his name great, and sent him to 'unbar the gates of ocean.' The keys to these gates are at Key West and the Tortugas, Memphis, and Pensacola. Nature has placed them among the wonderful resources of the great valley; and to stand as gate-keeper before them, is the mission of those naval forces that naturally center in the Gulf."

As early as May, 1840, this officer published in the columns of the Southern Literary Messenger, (vol. 6, p. 310, &c.,) views, opinions, and recommendations similar to those contained in the document last referred to. This paper is of a character that deserves the attention of every statesman. Lieutenant Maury there expresses the opinion, now generally entertained, that the *Florida Pass* is to be the battle-ground of the next war in which we may be engaged. On page 310, he says:

"In future the *West Indies are to be the scene of our great naval engagements*—the vast slaughter-house of maritime nations at war. France and England have their islands at which their ships may rendezvous. But such is the unprotected state of our southern coast, and the condition of our Navy at present, that in a war with either of these two Powers, Pensacola *and all the rich outpourings of the Mississippi would be at their mercy.*"

After speaking of the necessity of a strongly-fortified rendezvous for our ships of war and mercantile marine, he shows that every man west of the Alleghany "has a direct personal interest in the matter," and that "all the immense wealth which is poured in and out of the Gulf is at the mercy of the enemy," and makes a strong appeal to western men.

He says, page 311:

"Let them take a map and examine with a view to ascertain what protection is guarantied to their commerce in time of war. They will find that the Gulf of Mexico, studded with islands on its eastern borders, is hemmed in on all sides by other nations; that every 'pass' is commanded by them. And, in time of war, the only outlet for their commerce is around Cape Sable through the Gulf of Florida; that along this 'pass' it must have a strong guard lest it fall a prey into the enemy's hands. And they will then see that, cost what money it may, the United States should have the command—should hold the keys to this 'pass.'"

He then adds, still appealing to his western countrymen:

"As one whose pride it is to 'hail' from the West, I warn my fellow-citizens there of the dangers which some day may blight their prosperity; and as one who may be called on to ward off these dangers in the face of death, I beseech them to look to their welfare; and now, while it is peace, to listen to the dictates of prudence and of wisdom, and warn their representatives in Congress not to let their especial interest and the nation's wealth be found in this exposed, unprotected, and defenseless state, in the hour of danger."

It is not inappropriate in this connection to relate an anecdote of General Jackson, which I have heard from good authority, and which, I think, was first published by Lieutenant Maury. Soon after he was elected President, the "Old Hero" told a friend there were three things he had much at heart, and in his peculiar, decided way, declared, "With the blessing of God, these three things I will cause to be done. Pay off the national debt. Kill the monster bank at Philadelphia. And *fortify the Tortugas.*" He succeeded in the first. The second he accomplished most effectually. The third he was constrained by the remissness of Congress to leave to his successors; and I appeal to his friends to heed the counsels and carry out the patriotic wishes of this illustrious man.

So strongly impressed was he with the great importance of this measure, that one of his first official acts was in respect to it. He ordered, within a month after his inauguration, "such a general examination to be made (by naval and military officers) as would lead to a just estimate of the value, susceptibility of defense, &c., of the *Dry Tortugas.*" This duty was assigned to Commodore Rodgers, in April, 1829. Governor Branch, then Secretary of the Navy, in his first annual report, (Sen. doc. No. 1, p. 37, 1st sess. 21st Cong.,) said of the report of Commodore Rodgers, it "was so favorable as to justify a full and minute survey," which was intrusted to Lieutenants Tattnall and Gedney. Of Tortugas, Commodore Rodgers says, (p. 236, same doc.:)

"Besides affording a *safe anchorage* at all seasons of the year, is sufficiently capacious to ride in security all the navies of Europe; but what is most singular, there is within this harbor another, still more secure, which in its character may be said to be unique, uniting as it does, sufficient depth of water for ships of the largest class, to a narrow entrance not more than one hundred and twenty yards wide; easy of ingress and egress; and may be *entered or departed from at all times*, let the wind be from what point of the compass it may."

In March, 1830, General Jackson, still manifesting the interest expressed in this subject prior to his inauguration, sent a special message to Congress, calling "attention to the importance of this position (Tortugas) to the United States as a naval station," and transmitted a letter from the Secretary of the Navy, who said "it would be *difficult to estimate the value of such a position for a naval rendezvous and depôt*," &c., and also the report of Lieutenant Tattnall, in which, among other recommendations, he said:

"A fortress at the Tortugas, looking directly into the port of Havana, in conjunction with a naval force, would be a strong, if not an effectual check on such a disposition, AND GIVE US AT ALL TIMES THE CONTROL OF THE ISLAND OF CUBA. (Sen. doc. vol. 2, No. 111, pp. 1, 2, and 5, 1st sess. 21st Cong.)

In subsequent communications he continued to press this subject on the attention of Congress.

But, sir, it is useless to multiply authorities. Enough has been said to show that this measure has received the sanction and earnest advocacy of our most enlightened and patriotic statesmen, and of all the experienced and scientific officers of the Army and Navy who have turned their attention to the subject. Nor has the consideration and discussion of this question, and appreciation of its importance, been confined to our own officers and statesmen. It often attracted notice and elicited debate in the British Parliament before the cession of the Floridas, and was a subject of frequent, animated, and most interesting discussion at and soon after the cession. In May, 1819, the Marquis of Lansdowne, (the famous Sir Henry Petty,) then an opposition Peer, while speaking on the subject of the execution by General Jackson of Arbuthnot and Ambrister, British "fillibusters" among the Florida Indians and negroes, (upon whom doubtless they desired to confer all "the blessings of civil and religious liberty,") alluded to the purchase of "the Floridas" by the United States, and took Earls Bathurst and Liverpool to task for having permitted the cession, and gave cogent reasons for his censure—the chief of which was the importance of the naval and military positions the United States obtained by this acquisition. I will quote a few passages from his speech, as reported in Hansard Parl. Deb., 1st series, vol. 40, p. 291. He said:

"It was impossible for him not to advert to that event, which had so materially changed the situation of this country, [England,] with respect to its colonial power in the West Indies—he meant the cession of the Floridas. He could state without fear of contradiction in that House, or elsewhere, that *no colonial cession so materially affecting the interests of this country, had ever before taken place.* It was his anxious wish, and he believed that of all the country, that the peace now enjoyed should be of long duration; but neither their lordships, nor those who administered the Government, were justified *in overlooking the prospect of a renewal of hostilities at some period or other.* Should a war take place, the relative situation of this country would be essentially changed. *He could without the slightest hesitation assert, that the acquisition of the Floridas would place a great part of the commerce of this country with the West Indies, at the mercy of the United States.* In the case of hostilities, our homeward bound fleet could not pass *the Gulf of Florida without the greater part becoming the prey of gun-boats and small privateers of every description.* Another injurious consequence to the country was, that the possession of Florida gave the United States a commanding influence over *the present black governments, or any which might hereafter be formed in the West Indies.* He was far from supposing that the noble lords opposite, [Lord Bathurst and his colleagues,] were insensible to the importance of this cession, but the event was strangely inconsistent with the

commanding influence which it was supposed British councils had obtained, by the late adjustment of the affairs of Europe."

The Marquis asked, "*How did it happen that Ministers had been unable to prevent this cession?*" He again speaks of it as "an occurrence, the prevention of which was so important to our interests."

Earl Bathurst and Earl Liverpool replied to this speech at length, but did not controvert the facts asserted or opinions avowed as to the importance and effect of the cession.

On the same subject (*ibid.*, p. 902) June 3, 1819, in a debate in the House of Commons, on the "foreign enlistment bill," Mr. Macdonald said:

"As to Ferdinand, in whose behalf we were now called on to interfere, this monarch, who was leagued to us in the strictest amity, had the other day made over *a most important colony to* OUR GREAT WESTERN RIVAL *without consulting our interests or our wishes.* The *cession of Florida to the United States could never have taken place* if the spirit of the treaty of Utrecht had prevailed in the negotiations of those statesmen to whom the settlement of Bavaria, Baden, or any other German province, had seemed of so much consequence. But independently of positive treaties, there could be no question that we *should have been justified in interfering in such a case*, as *self-preservation*, which formed a part of the law of nature, was necessarily a part of the law of nations."

And in the same debate (*ibid.*, p. 893) Mr. Maryatt, referring to the Spanish revolted colonies in South America, said they had—

"Another ally in both the interest and feelings of the people of the United States, whose territories, by the purchase of Louisiana, now come into contact with the borders of Mexico. The great and avowed object of their ambition is, that the whole of the vast continent which they inhabit should become independent like themselves, and the New World one day rival the Old. Although a sop has for the present been given to Cerberus by the cession of the Floridas to the United States, the policy of the Government will not long be able to restrain the wishes of the people, but be compelled to join in this popular and patriotic cause," &c. * * * * * *

The "late cession of the Floridas to the United States has certainly furnished that Government *with great additional means of annoyance to our West India colonies in case of war*;" and, "the want of regard she [Spain] has shown in both these cases to *the security of our colonial possessions* certainly releases us from all obligation to interest ourselves about hers," &c.

The celebrated Sir Robert Wilson, in same debate, (*ibid.*, p. 871,) said:

"North America had sent commissioners [to South America,] not to negotiate South American independence, but to give a character to their governments. Seeing all that had been done, Spain interposed and purchased the *forbearance* of America by the *cession of Florida*. It was dangerous to be a prophet in political events at all times, but more particularly of late, when reason and facts were so opposed. But he would hazard the assertion, that after Florida had been occupied by her population, and her new position was secured to menace *in the event of war the trade through the Gulf*, America *would next demand Cuba*, AND THAT SHE WOULD OBTAIN. By intrigue and intimidation she would ultimately extend her views of aggrandizement to *Mexico*, push her frontier *from the Atlantic to the Pacific ocean*, and in the end laugh at Great Britain as the dupe of her artifice."

And in the House of Lords, June 28, 1819, in a debate on the same bill, (*ibid.*, p. 1413,) the Earl of Carnarvan asked:

"Had no events recently taken place, which were calculated to affect the interests of Great Britain? Had not Spain ceded to America that very colony, [Florida,] *which of all her other colonies, was most important to the welfare of our transatlantic possessions?* * * * * *

"*Would not each of her colonies, one after another, fall a victim to the avarice and ambition of another great Power? Would not the fate of Florida soon become the fate of Mexico?* When we looked at the weakness, the imbecility, and the absurd policy of Spain, it was proper that we should also consider what the fate of South America would be were the House to withdraw the British troops from it."

Similar opinions were advanced by other speakers in both Houses of Parliament, in the debate on that bill, and in other debates the same session. On repeated occasions since, like views have been expressed by British statesmen.

Mr. Huskisson, an English Minister, it is said (see Senate Doc. No. 318, p. 33, 1st sess. 32d Cong.) once proposed the seizure and fortification of the Tortugas by the British Government, because it was the key to the Gulf and West India trade. Lord George Bentinck's speeches, since made, show that both ministerial and opposition statesmen in England, have had their vigilant attention directed to that region, and to these points as controlling them. *They* appreciate their importance, if some American statesmen do not.

On the 3d of February, 1848, in a debate in the House of Commons respecting the slave trade and slavery, Lord George Bentinck, as reported in the London Times, said:

"He would, therefore, say at once, let them [the British Government] take possession of Cuba, and settle the question altogether. Let them distrain upon it for the just debt due, and too long asked in vain from the Spanish Government. They would put an end to the slave-trade if they could *emancipate the slaves of Cuba*. If the people of this country thought it right to spend £150,000,000 in putting down slavery and ruining our colonies besides, would it not be cheap policy to put an end to slavery forever by seizing Cuba?" Lord George further said, "The case of Cuba stood upon its own merits, and upon the debt of £45,000,000 due to British subjects from the Spanish Government. Then, depend upon it, when Great Britain possessed Havana, as once she did in 1762, when she held it for about a year, and then exchanged it for the Floridas, and when she could cut the *trade of America in two*, no more boasts could be heard of what the United States would do, such as that which was not long ago uttered by one of her military officers, who declared that they 'never would be satisfied until Uncle Sam had set his right foot upon British Canada, and his left upon California, embrace the whole of the eastern sea-board, and throw his leg, like a freeman, over the whole continent of South America to Cape Horn, with Cuba for a cabbage garden.'"

The speeches just referred to are exemplifications of the feelings and sentiments of certain British statesmen, perhaps of the English people generally in past times with reference to this country. They are noticed, however, to show how important the acquisition of Florida and the outposts of Key West and Tortugas, were regarded by the wisest British statesmen when the treaty of cession was made. It was regarded as a blow at British interests in the West Indies, and was considered the entering-wedge to the acquisition of Cuba by the United States. They are noticed also as exhibiting the deep interest felt, and close attention paid to our conduct and progress. Some of these speeches are interesting, also, as showing the astonishing prescience of her statesmen of that day, who, thirty-four years ago, so prophetically alluded to our future career. They did not mistake; they properly appreciated the "manifest destiny"—the "inevitable progress" of this Confederacy; and they properly estimated its effect upon their own country. The jealousy they exhibited was at that time natural; yet I am rejoiced to believe that, except with very few of the leading men of England, it no longer exists. They do not now look upon us as an enemy or a rival *to be checked*. They regard our interests as identified with their own on most subjects. They know that a contest of arms with us could not result in any ulterior benefit to their own country, and that injury to us would be injurious to themselves. Their enemies are nearer home. Beyond all doubt, prior to the annexation of Texas, and the adjustment of the Oregon question, and the close of the Mexican war, they were inclined to check and impede our march to prosperity and power, and were averse to our assuming the position of the first agricultural and commercial nation of the world—the greatest in geographical extent and in population and in resources. But this is no longer the case. They are now disposed to acquiesce in our manifest destiny. The true interest of Great Britain, as her most sagacious public men have learned, is, so far from opposing, to forward the accomplishment of this end. "United by the ties of a common origin, common laws, and a common language," her policy, as they now understand, is to look to us as her natural ally in times of danger that may and probably will arise from those who are yet smarting under chastisement formerly inflicted by her, and panting for revenge. She considers this country as a sure and profitable market for her manufactures of our raw material, which resource alone is sufficient to ensure her prosperity. Abandoning to some extent her ancient restrictive commercial systems, she now seeks to conciliate and secure our good will by somewhat more liberal regulations. When she is convinced that she can no longer profitably or successfully compete with us, she wisely and gracefully yields, and even takes satisfaction in the credit resulting to herself from the astonishing success of her young "Anglo-Saxon offshoot." Rely upon it, sir, Great Britain will not enter into a contest with us, unless we force her to engage in it to avoid dishonor. The questions and negotiations connected with the subjects of our Fisheries—Canada reciprocity—Vancouver's Island, and the adjacent territory—and the rights of the Hudson's Bay Company—all will be adjusted without trouble. Least of all will she quarrel with us about Cuba, or Hayti, or the Sandwich Islands. She does not want Cuba; she could not own it advantageously; the present deplorable condition of Jamaica would soon become the fate of Cuba. It would be better for her for the United States to own it. She is sincere in her expressed desire to put an end to the African slave trade. This will be stopped if we possess Cuba. Even the shallow-brained fanatics who would excite trouble on the subject of negro servitude, are beginning to see that such would be the result. Whatever Lord Palmerston or such misguided and mischievous men as the late Lord Bentinck, may say or be willing to do exhibiting hostility to the United States, they are not now sustained by the British people, or their judicious and most intelligent statesmen.

But though it is not probable that we shall have any serious difficulty with Great Britain, he must be a careless observer of passing events who does not perceive the "clouds gathering in the political horizon" of Europe. Great Britain sees it. She is preparing for it. She is vastly augmenting her naval force at Jamaica and elsewhere. An European war may take place within the next year, which will be fought in American seas; nay, near our own coasts. We may be involved in it. It will be difficult to avoid it. I repeat, though once our enemy, Great Britain is now bound to us by ties of interest and friendship; there is little probability of collision between the "stars and stripes" and the "cross of Saint George." Her preparations are to meet the coming storm in Europe. In this, great as she is, she may encounter fearful odds, and be induced to invoke our aid against the combined despotisms of the Continent, and which aid a distinguished Democratic statesman, the ablest of President Polk's Cabinet, recently assured the people of England would be promptly and freely given.

Profiting by her past dear-bought experience, Great Britain, however, may wisely adopt the policy of the United States, and resolve to keep aloof from the wars of continental despotisms, which have been so profitless to her, and have entailed upon her people a public debt of eight hundred millions of pounds sterling. This policy of "*armed neutrality*" will enable her to maintain such attitude, and will coerce the respect of all belligerent Powers.

Our relations with Spain may lead to trouble. The odious and insulting system of secret spies she has adopted towards our Government and people, and their unfounded and mischievous reports; the unnecessary severity and cruelty her functionaries have pursued towards misguided Americans in their power; the strange conduct of her Cuban officers, displaying jealousy and hatred towards our people; its misgovernment of Cuba and Cuban affairs, arising from fear, selfishness and avarice; her exactions upon our trade and commerce, and the illegal exclusion of our vessels and citizens from her harbors, in violation of the spirit of treaty stipulations, and her exhibitions of hostile feelings, are combined provocations to dispute. But it is to be hoped wiser and better counsels may prevail at Madrid, and at the Havana, which may result in the preservation of peace and harmony between the two nations.

The difficulty that we should endeavor to be fully prepared for, if any occurs in which we shall become involved, is, it is most likely, with the French Emperor. The character and abilities of Napoleon the Third are greatly misunderstood in this country. He is one of the most observing and able men of the age, and has exhibited energy and executive talent scarcely surpassed by the great founder of his family. He is eminently a practical man—a man of few words, but of prompt and decisive action. I have good reason to say that the incessant attacks of a portion of the newspaper press of this country upon his conduct and motives, have excited ill feelings against us. Like the first Napoleon, he is exceedingly sensitive to such attacks; and the coarseness with which he has been assailed here has incensed him against the Government and people of the United States. It can be readily supposed that his assuming an unfriendly or belligerent attitude towards the only formidable republican government now existing, would gratify some of the other crowned heads of the continent, and would in some degree reconcile them to the restoration of the Napoleonic dynasty in France. The reported recent acts of the French Government with respect to the port of Samana,

in Hayti, are in harmony with the known sentiments of Louis Napoleon when in this country some years ago. It is a well-known fact, that Napoleon the First never recognized the independence of Hayti, and contemplated its resubjugation as a French colony. Louis Napoleon understands American affairs as well as any man in Europe. He is well acquainted with important matters of which many American citizens are ignorant. In 1846 he wrote and published an able work respecting the interoceanic route proposed at Nicaragua, as valuable as any written on the subject. It is hardly to be doubted that he intends or desires to reannex Hayti; and that he wishes to acquire a foothold in the Sandwich Islands, in Mexico, and elsewhere on this continent, and in South America, is equally certain. The restless genius of France loves not quiet. The French people, intoxicated by the memory of the glories of the Empire, anxiously await expected demonstrations by him to effect the unfulfilled purposes of Napoleon the First. It is necessary for his own security that he should not disappoint them. He must divert and employ the turbulent spirits whom he has been elected to govern. His choice is a continental war—a war with the victors of Waterloo,—or a war distant from France, and in which he will have the sympathy of the ancient foes of the Empire. He cannot avoid one or the other. If he preserves peace in Europe, it will be by a war in the western hemisphere.

There are some who believe that he designs an attack upon Great Britain, and that there is danger of the invasion of that Island. In my judgment this is an idle surmise. The English papers, and especially the ministerial papers, nevertheless encourage it. I have observed that whenever the English rulers discover any trouble likely to arise at home from Chartists, Liberals, Irish patriots, oppressed working classes, or the like, they generally conjure up some such bugbear as "French invasion," and make cogent appeals to the loyalty of all British subjects to stand together for the "defense of their altars and firesides." The appeal rarely fails in its desired effect. Domestic and internal dissension is stifled by the aroused feelings of patriotic loyalty distinguishing the English people. Napoleon the Third has no intention of invading England. He may, however, unavoidably become involved with Great Britain; or he will engage in war with the continental Powers who hate and fear France, and will therefore combine against her, or, defying the American principle maintained by Mr. Madison with respect to Florida, in 1811, repeated by Mr. Monroe in 1823, and reiterated since, he may attempt to establish French monarchical colonies in America. He will be prepared for resistance to his measures; and he will be prepared, in retaliation for opposition to him, to intervene to prevent the acquisition by the United States, even by peaceful cession, of Cuba or any other new territory. And there is but one sentiment in this country, that such intervention will necessarily lead to war.

Sir, I have some ground for speaking thus. One of the ablest and best of the Bonaparte family was long a near neighbor of mine, and an intimate friend. He was a sound republican, a large slaveholder, and an excellent citizen. I have heard much from that intelligent gentleman of his relative, the present Emperor—of the sentiments, feelings, and views of the family; and I tell you, sir, Napoleon the Third cannot if he would, and would not if he could, remain at peace during the year 1853. We are as likely as any other people to become embroiled with him, and such result will be accelerated, if it can be, by the intrigues and incitement of every Power of the Old World hostile to liberal government.

IN SUCH A CONTEST FORTS TAYLOR AND JEFFERSON WILL BE NEEDED.

I think, Mr. Chairman, I have said enough to show the importance of the measure I suggest, and indeed the absolute necessity for the construction of strong fortifications on the Florida Keys.

On page 25, Executive Document No. 5, already referred to, there is the official estimate of the cost of Forts Taylor and Jefferson, and of the past appropriations and expenditures therefor; it is as follows:

Fort Taylor, Key West: Peace garrison, one company; war one thousand men; commenced in 1845; estimated cost of construction and repairs $1,900,000; expended $395,000; amount necessary to complete $805,000; cannon 185; cost of armament $160,725.

Fort Jefferson, Garden Key, Tortugas: Peace garrison, one company; war fifteen hundred men; commenced in 1846; estimated cost, &c., $1,200,000; expended $210,133; necessary to complete $989,862; cannon 298; cost of armament $273,594.

If it is the intention of our Government to complete these fortifications at any time; if it is not intended to abandon them, though partly finished, it seems to me there is an obvious propriety in the proposition I now submit, to make *at once*, the appropriation necessary to *complete* them as soon as practicable. As the appropriations are now made, it will require from fifteen to twenty years to complete the works at Tortugas! If appropriations be made in the manner recommended, they may be completed forthwith. To show the importance of completing works which have been commenced or determined upon, I ask special attention to the celebrated report of General Cass, then Secretary of War, of April 8, 1836, one of the ablest, and perhaps the best report ever made on the subject of fortifications. On pages 22 and 23, (Ex. Doc., vol. 6, No. 243, 1st sess. 24th Cong.,) he says:

"I would suggest that the *works which are determined on be pushed with all reasonable vigor*, that our whole coast may be placed beyond the reach of injury or insult, as soon as a just regard to circumstances will permit. No objections can arise to this procedure on the ground of expense, because whatever system may be approved by the Legislature, nothing will be gained by delaying its completion beyond the time necessary to the proper execution of the work. In fact the *cost will be greater the longer we are employed in it*, not only for obvious reasons arising out of general superintendence and other contingencies, but because accidents are liable to happen to unfinished works, and the business upon them is deranged during the winter, when they must be properly secured; and the season for resuming labor always finds some preparations necessary, which would not have been required had no interruption happened."

"But the political considerations which urge forward this great object are entitled to much more weight. When once completed, we should feel secure. There is probably not a man in the country who did not look with some solicitude during the past season at our comparatively defenseless condition, when the issue of our discussions with France was uncertain; and who did not regret that our preparations, during the long interval of peace we had enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the Government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence cannot fail to produce an influence upon other nations, as well in the advent of war itself as in the mode of conducting it. If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparation. An unprotected commerce, a defenseless coast, and a military marine wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel."

* * * * * * * * * *

"I think that when the *plan of a work has been approved by Congress*, and its construction authorized, the *whole appropriation* should be made at once, to be drawn from the Treasury *in annual installments to be fixed by the law*. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works would probably exhibit an amount far greater than is generally anticipated."

The suspension of labor on works further north during the winter, mentioned by General Cass, is not the case as to these works. This should be considered in providing the means for their completion. That adequate means ought to be afforded to finish and arm these fortifications as soon as possible, so as to be ready forthwith for any emergency that may come upon us, is not only dictated by true economy, but in these instances the arguments urged by that distinguished statesman, in the first paragraphs above quoted, apply with peculiar force. Before those works are probably completed in the ordinary progress in times of peace, allowed by annual or semi-annual appropriations of limited sums, they may be needed for defense or attack. More than five years have elapsed since they were begun, and not a *third* of the amount *officially* estimated as necessary for their completion, has as yet been appropriated. If a necessity should arise within the next five years for their use, and if they are *then* unfinished, the force to complete them may be wanted elsewhere; it may be more difficult to procure it, and the necessary materials than at present, and the expense would probably be greatly increased.

If the *recollection* of the "solicitude" felt by so distinguished a statesman as General Cass, one of the most watchful guardians of his country's honor and interests, pending "our discussions with France," in 1835, should have caused him so strongly to urge the adoption of the measure I now recommend, with how much greater force do similar "political considerations" now appeal to us! They demand the serious attention of every statesman. Even *delay* in their consideration may be greatly injurious.

No time can be more propitious for the execution of this proposition than the present. Our Treasury is overflowing. Our *surplus revenue* has become a subject of *complaint*. It is a positive grievance, and there is difficulty, real difficulty, in the way of the proper disposition of this excess of revenue over the present wants of Government. The public debt is not yet due, and the Government bonds cannot be bought except at a *premium* so high as to make their purchase at this time impolitic. This premium would necessarily be increased, so soon as it became known that the Government was in the market, a bidder for its own bonds. Why, then, may we not apply a portion of the fund lying idle in the hands of *subtreasurers* to this purpose? It cannot be more usefully employed, and will be but an anticipation of appropriations which must hereafter be made, when, perhaps, the expenditure of the money will be less convenient to us than now.

The completion of these works is also a judicious measure, because it will destroy one argument strenuously urged by some in favor of the immediate annexation of Cuba, founded on the assertion that the *Moro Castle* now commands our Gulf commerce; and therefore that it is *necessary* we should possess it. As I have before shown, the fact assumed *is not true*. The *Moro Castle*, or any other point in Cuba, does not command the Gulf trade even *now*, if a respectable naval force is placed to protect it at Key West and Tortugas. On the contrary, Forts Jefferson and Taylor will, when fortified, with a small naval force, not only command that trade, but the Havana and Matanzas, and the entire northern and eastern side of Cuba, more effectually than the Moro Castle now does, even if the latter has a superior naval force to aid it. They will command that Castle itself. Yet the logic just alluded to, so artfully addressed to our pockets as well as our patriotic pride, is so potential that it has misled many good citizens and otherwise prudent statesmen into a willingness to withhold their pointed condemnation of highly reprehensible conduct by others, professedly to attain an object *falsely assumed* to be *indispensable* for the protection of our interests.

It was my purpose to speak of the much-talked-of acquisition by the United States of Cuba, as closely connected with this subject. It is by far the most important question pending in this country. I desire and am prepared to discuss it; and, representing a State perhaps more deeply interested in what may precede, and in what must follow the consummation of such a measure, I intend to avail myself of the first opportunity that presents itself to express my views frankly and fully. At present I will content myself with saying, first, that if the works commenced at Key West and Tortugas are finished, it is not requisite for the protection of our vast and constantly-augmenting commerce passing through "*the Straits of Florida*" that we should possess Cuba, or the Havana, or the Moro Castle, or any point in Cuba. Secondly, that if any attempt is to be made to conquer Cuba by naval and military force, the fortifications at Key West and Tortugas should be finished and garrisoned *before* it is made; being important to ensure success in that undertaking, with the least hazard, difficulty, and expense. Thirdly, after such conquest of Cuba, these fortifications are essential to ensure the continued possession of Cuba, even during the war for its acquisition, and at all times to prevent its blockade by a naval enemy. Fourthly, without these fortifications, in a war that will ensue from an attempt by us to conquer Cuba, or from our resistance of the attempts of any other Power to obtain that Island, or to interfere with it, or a war that may arise in any other way with any re-

spectable naval power, our Gulf commerce, and all else that passes through the "*Florida Straits*," will be greatly exposed, and may be seriously injured. Fifthly, that these fortifications are necessary, even if we acquire Cuba by purchase and peaceful cession, and not only for the protection of the vast commercial and navigating interests I have mentioned, but for the protection, defense, and security of Cuba at all times hereafter. And, sixthly, if Cuba remains in possession of Spain, these fortifications are essential to us, insomuch as besides protecting our commerce and navigation, they "*will at all times*" command the Havana, and "*give us the control of the Island of Cuba.*" So far as Cuba is concerned, therefore, I claim for this measure the support of all divisions in this House and elsewhere—of those who oppose the acquisition of that Island, of those who favor its acquisition by purchase and peaceful cession, and of those who would seize and hold it *per fas aut nefas*.

In conclusion, I repeat, sir, that no appropriation can be made, no work constructed, in which so many and such varied and important interests are involved. The ship builders and the ship owners of the East, and the commercial men of the North generally, the planters of the South, and the farmers of the West, all have a direct personal interest in this measure. The General Government is interested in the fortification of these points. It is due to itself, and to the people of the United States. Without them, our Navy may be crippled in its strength, and rendered comparatively inefficient; and our commercial marine may, in the language of Lord Bentinck, "be cut in two" by a maritime enemy. May I not, then, confidently appeal to *all sides* of this House, and to the patriotism of every American, to sustain the proposition I have made?

I am indifferent, Mr. Chairman, about the adoption of this resolution, at this time. My object was to direct public attention, and particularly that of members of Congress, to this subject. That has been accomplished. Hereafter, when we come to consider the appropriation bills, I will again bring the matter before the House. In the mean time, I shall print these remarks, and the facts, statistics, and authorities to which I have referred, for the use of members, who I trust will give the subject some attention, and I most earnestly and respectfully solicit the members of the Committee on Military Affairs, and on Ways and Means, to give that consideration to the subject which its importance demands.

THE TARIFF.

SPEECH OF MR. WOODWARD,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

December 10, 1852.

The proposition of Mr. BROOKS to raise a Select Committee on the Tariff, being under consideration—

Mr. WOODWARD said:

Mr. CHAIRMAN: This subject has come unexpectedly to me before the committee this morning, and I shall not detain them by entering at length into a discussion of the special merits of the tariff law of 1846, but shall limit my remarks chiefly to the question of what, in future, should be the commercial and fiscal policy of the country.

Standing ready, at all times, to vote a reduction of the duties on imports, I am yet aware that Congress need not, at this short session, attempt any general or fundamental action on the subject. But it is because this is true, and because still more is true, it is because your longest session will not be long enough for mature action, that I am in favor of bringing up the question now. I desire that the discussion that may be had at this time shall go before the country, in order that the popular mind may be brought to bear upon the next session of Congress in relation to the matter. You have, time and again, seen propositions of radical reform run out at the end of your longest sessions. Why, sir, do not gentlemen remember, does not my friend from Virginia [Mr. BAYLY] remember, that the tariff of 1846 was saved from running out at the end of the session by its friends refusing to consume the time of the House in debate? I know that I declined to discuss it for that reason, and that I urged others not to discuss it for the same reason. I know that discussion in the Senate was declined for that reason, and that ostensible and pretended friends of the bill hoped that it might be defeated by discussion, but were, I rejoice to say, disappointed.

Now, I was in favor of the resolution first introduced by the gentleman from New York [Mr. BROOKS] the day before yesterday. It was, in express terms, a proposition to reduce the revenue by reducing the duties; and are not we on this side of the House in favor of reduction? True, the proposition was to raise a special committee for this purpose, instead of referring the matter to the regular committee; but besides that the regular committee would have had no time to prepare such an exposition as would be useful and satisfactory to the public; where was the danger in the appointment of a special committee? Would not the Speaker of the House have been bound—I do not say bound simply as a party man and a free trade man—as a Democrat, representing the majority on this floor, but bound as the Presiding Officer of the House, by parliamentary rule, to constitute the committee favorably to the proposition to reduce? Though he had been a Whig, and a high tariff man, he would have been bound thus to compose the committee; for reduction was the only substantive proposition. Very true, likewise, the committee was empowered by the resolution to send for persons and papers; but if, as has been suspected, the gentleman from New York [Mr. BROOKS] intended—I do not, myself, impute any such intention to him, but others have, and his individual intentions appeared to be regarded by them as constituting a part of his resolution—I say though he may have intended that the committee should send for persons and papers only on one side of the question, yet it must be remembered that his individual purpose would not have controlled the committee. There was no obligation imposed on the committee to send for persons or papers at all—it was only empowered to do so; and even if it had been bound, it would have had its own discretion as to the manner of discharging the obligation. Had I been made a member of such a committee, I am sure I should have objected to receiving any *ex parte* budget without giving full time for the preparation of a budget on the opposite side of the question.

Now, the gentleman from New York seems to be in favor of a permanent fixed rate of duties, adapted to prices abroad, and which shall be high enough when prices are low abroad, and low enough when prices are high abroad.

Mr. Chairman, I take the position that a permanent system is impossible, if the object be not to destroy foreign commerce, but to raise revenue by imposts. I take the position, that a permanent system is utterly inconsistent with the only lawful object of the system, which is the raising of revenue. In providing a tariff system, we do not act under the power to "regulate commerce with foreign nations," but under a wholly different power, found in a different part of the Constitution; the power to lay and collect taxes, duties, imposts, and excises, the declared and only object of which is to raise money. That this is purely a money power has been declared by your ablest jurists—Judge Marshall among the rest, high Federalist as he was.

I mean to say that a permanent tariff is impracticable, not in the nature of things, but consistently with the trust reposed in us, which makes it our imperious duty to see and be sure that we raise revenue by the imposition of duties and imposts, instead of fruitlessly and unjustly imposing a burden on trade; as though the Constitution had made it our duty to fetter commerce, instead of raising revenue for public uses. To impose duties with any other view, is to defraud the Treasury of which we are the guardians; to oppress commerce, which we are only authorized to tax for the sake of the Treasury; and all for the benefit of a class, which class is not once mentioned in the Constitution. Many public men reason and act as though the Constitution were a compact not between States, but between classes, and as though we met here to execute and enforce the covenants between classes as such, looking directly to class rights on the one side, and class obligations on the other.

Well, sir, if revenue be the object of an impost system, and all of us agree that it is, at least one of the objects, and an indispensable one, it becomes us to know what constitutes the capacity, or rather the specific condition of the capacity of a country, to raise revenue by means of impost duties. That condition is, *the absence of wealth in particular forms*. It is because you can buy abroad what you do not make at home, or can buy cheaper abroad than you can at home, that foreign merchandise can bear an impost tax, and yet come into our markets. It is the difference in the cost of foreign and domestic production, in reference to any given article, that enables you to impose a duty on it, and without this difference you could impose no available duty whatever.

Such being the case, the question of the practicability of a fixed system of imposts, a permanent rate of duties, which, in the language of the distinguished gentleman from New York, [Mr. BROOKS,] should be adapted to prices abroad, and be high enough when prices are low abroad, and low enough when prices are high abroad, will depend upon the inquiry, whether the difference in the cost of foreign and domestic production, in relation to the several articles of commerce, be fixed and permanent; and this inquiry will be brought to a satisfactory conclusion, by a single restrospective glance at the brief period of twenty or twenty-five years last past. I now assert, that a large proportion of foreign merchandise, which, at the beginning of that period, would have borne a duty of one hundred per cent. or upwards, is at the present time incapable of any duty whatever. And if this be true, your capacity for levying imposts, in relation to the descriptions of merchandise indicated, has diminished at the average rate of from three to five, and in some instances, ten per cent. per annum. I beg gentlemen on both sides of the House to think of this; and especially would I solicit the serious meditations of that portion of the Democratic party, if there be, as I trust there is no longer any such, who have aimed to stand upon the tariff of '46 as a finality, and who would fraudulently erase from the Democratic creed the article of free trade and substitute therefor the tariff of '46.

Why, sir, go back to the year 1816. At that time a huge proportion of foreign merchandise could have been imported under a duty of from one hundred to five hundred per cent. In 1816, you could have imported a hat, such as the one before me, under a duty of one hundred and fifty, probably two hundred per cent. At the present time, a duty of fifteen or twenty would be prohibitory. Indeed, the existing duty is, I believe, prohibitory; for I have it from good authority that the article has quite ceased to be imported. And why is this? It is because the growth of the wealth of the country in home-made hats has reduced or destroyed the difference between the cost-value of the domestic and foreign article. It is the absence of wealth in particular forms, that enables any country to maintain an impost system. I could refer to a thousand important articles to prove the immense decline, and the large ratio of a still progressive decline, in your ability to levy high duties. I might refer to cotton cloths and cotton goods of every description; to leather, and every description of article made of leather, as very prominent articles for illustrating the proposition. In 1816, or even in 1828, most of the suggested articles would have borne a duty of one hundred per cent. Now many of them are incapable of any duty. Cottons, which twenty-five years ago would have borne that duty, are now exported into the very country against which they then had to be protected in the home market. Every single article of manufacture has become capable of less and less duty successively and continually. Not a year, not a month revolves, but some article of foreign commerce ceases to be dutiable.

Take the article of sugar, once a prominent article in the protective system. Twenty years ago sugar would have borne a duty of one hundred and fifty, and probably two hundred per cent. I will stand corrected if I am in error. It did in fact bear a heavy duty. How is it now? What would be called a revenue duty in the view of a high tariff man, would now be a prohibition upon sugar, and

it is not difficult to foresee that in ten years from this hour—and ten years is but an hour in the lifetime of a nation—sugar will be exported from the United States. And if the high tariff interest should make any proposition relative to it, ten years hence, it is most likely they will insist upon a repeal of all duties in order that the raw material may come in cheap to the manufacturer; for they teach us that whatever they want to buy is made cheaper by a low duty, and whatever they want to sell is made cheaper by a high duty.

I must be understood as arguing the question before the committee more as a question of revenue, than one of free trade; assuming that the Government is to look to its impost system as its only present resource; and that direct taxes are to be resorted to only when, and in proportion as, an impost system shall prove inadequate. And I insist that the country ought to determine, at once, whether, in future, it is to look for its revenue to imposts, or in part to direct taxes.

But the specific object proposed by the gentleman from New York, is to get rid of an existing surplus in the Treasury. There are two modes by which this can be done: You may diminish the revenue by reducing duties to moderate rates; or else, by means of prohibitory duties, you may reduce the amount of foreign commerce, which is the basis of duties, and in this way diminish revenue. In other words, you may diminish revenue by reducing or abolishing duties, or by reducing or abolishing foreign commerce. Either will answer the purpose. And regarded in a financial, and not a commercial point of view, it will make but little difference which method you adopt, if the object be simply to get rid of an existing surplus. But if the object be what it ought to be, to provide against future probable deficiencies as well as surpluses, then it is of great importance, both as a commercial and a financial question, whether you adopt this method or that. But the gentleman from New York proposed, in express terms, a reduction of duties as the means of reducing the revenue. Why should we, how can we, decline to meet him on that general proposition? The surplus in the Treasury has forced the question upon us. We, Democrats, cannot consistently evade it; we dare not; for the country sees that there ought to be a reduction of the tariff. Our situation is not what it was in 1846. The free trade party is in much better case now than then. At that time there was a deficient Treasury, and the fear was that reducing duties would increase the deficiency. The tariff men declared that it would, and treated the opposite proposition as an absurdity; and a portion of our friends were well nigh driven from the support of that tariff, from a serious apprehension that the Government might be bankrupted by it. It was not that they were averse to low duties—not that they were in favor of protection, that they gave in reluctantly, but because they were afraid of impoverishing the Government.

That argument or ground of apprehension is now gone. There is a surplus in the Treasury of from seven to fourteen millions of dollars, and the question is whether you will continue that surplus, and if not, how you are to get rid of it. If it is determined that the surplus shall not be rendered permanent, then you are to decide whether you will reduce the revenue by reducing the duties, or by enacting prohibitory duties—and I maintain that this question could not go before the country in a form more favorable to free trade, or at a time more propitious than the present. In 1846 there was a deficient revenue, and the friends of a moderate tariff found it difficult to persuade the community that high duties made low revenue. The proposition was a little complex. But, sir, now that there is a surplus, the gentlemen who may propose to reduce the revenue by high duties must themselves evolve and expound that complex proposition. It does not rest upon our shoulders to do it. They themselves propose to reduce the revenue now, and they must show the country that raising duties will reduce the revenue, or else unite with us in giving effect to the opposite idea—they must maintain our former proposition.

Having $14,000,000 surplus, the naked question is how to get rid of it; and, my word for it, the people of the United States will demand a reduction of duties as the means of reducing the revenue, when the proposition is submitted to them.

But, sir, to return to the drift of my remarks, which was to show in what degree our foreign commerce is continually less and less capable of bearing high duties; and if I speak immethodically, and without a natural order of propositions, the committee will, of course, indulge me under the circumstances.

The tariff of 1846 has already become, to a very considerable extent, and is rapidly becoming to a much greater extent, a prohibitory tariff. American skill is onward, American machinery is amplifying and approximating the perfection of that of Europe; in some instances surpassing it. American profits are lowering, and American economy is improving. There are very few things we could not make almost as cheap as they are made abroad. But just in proportion as our capacity to manufacture cheaply advances, so must duties fall progressively. The principle of low duties must be as progressive as American skill and American machinery, or else your tariff will become prohibitory.

Now, sir, I lay it down as an undeniable proposition—and I am willing, in the course of this discussion, which I hope will go on, to be met upon the proposition—that the tariff of 1846 is at this time more prohibitory than the tariff of 1842 was at that time; and I maintain that if the tariff of 1842 were now the tariff of the country, your revenue would be less than $35,000,000; and if the tariff of 1828 were now the tariff of the United States, your revenue would not exceed $25,000,000; because, with the advancing skill of American artizans, foreign competition could not pay the duties imposed at that time, and come into competition with us.

I do not pretend to deny that there is a much heavier importation at this time, than what took place at either of those periods: what I mean to say is, that the proportion of merchandise excluded by the present tariff, which would otherwise come into the country, is greater than the proportion excluded by either of those tariffs which would otherwise, then, have come in.

As to agricultural articles, look at the extent of this country. We are the producers of almost everything, or capable of being so. What that is produced in any other country is not produced, or capable of being produced, in the United States? Tell me what articles of manufacture abroad, or what of the agricultural products of foreign climes, are not also produced in the United States, or likely soon to be? Coffee, tea, and some few tropical fruits, are not yet, I believe, found in the United States, but almost every other production is. There is, in the United States, this side of the stony mountain range, an amount of territory equal to the three States of Mississippi, Alabama, and Louisiana, of prodigious fertility and remarkable salubrity, which lies south of the southern extremity of Europe. It extends even further south than the Barbary States of Africa; and though not of the same temperature, yet it is known that the inequality is not so great as to vary in any considerable degree its agricultural capabilities. The United States are a great Zoll-Verein, extending from the highest northern to the lowest southern latitude. Should Cuba become a portion of them, there will be almost nothing produced throughout the world that will not have its representative or analogue in the United States. I am told that in the deserts of California they actually find the gum acasia, a commodity thought indigenous only in the sand seas of Africa.

In our day, almost everything is manufactured by means of machinery. A railroad locomotive, of five-horse power, inferior in quality and uncertain in its operation, and requiring to be tinkered every trip of fifty or one hundred miles, fifteen years ago, to my knowledge, cost $10,000. You now get an engine of six times that power, three times the speed, and as reliable for its operation as the rising of the sun and moon, for $6,000 or $7,000. Who will pretend that permanent duties are appropriate for that article? If a strict estimate be made, it will be found that railroad locomotives have been cheapened ninety per cent., and that is the reason why railroad stock, which was sold a few years back for thirty cents the dollar, is now one hundred and twenty-five and one hundred and thirty. I state this to illustrate the fact that American skill is progressing. It is hard on the heels of European skill, and so long as the difference between the two diminishes, which difference is the only thing which makes revenue by impost possible, your duties must be reduced progressively. A permanent system is an absurdity, if revenue be the object. Can any gentleman say what articles are not subject to the laws I have laid down? Take breadstuffs: What reason have we to imagine any description of breadstuffs will long remain cheaper elsewhere than in the United States? This great country has the greatest amount of waste land, and the most genial climates on the face of the earth. Are we to become dependent on foreign countries for breadstuffs? Never! Are we to become dependent on them for anything having relation to live-stock, or for animal products?

It is only because the people of the United States getting virgin lands for nothing, can live on half labor, and the whole people can live by the labor of one half, that we do not drive Europe out of every market. When the population of the United States becomes a little more compact we will want to sell everything; for, taking in the northern region of Maine, the northwest division of our territory, this and the other side of the Rocky Mountains, and Texas, with the countries which can hardly fail to come under the operation of our institutions before many years, we will have (so to speak) an analogue to every country in the universe. A nation limited to a particular region, like England, having only a few descriptions of minerals, and producing only a limited number of vegetable commodities and raising a limited number of cattle, will be thus dependent, and the greater the number of articles she cannot produce, and the more pressing her need of them, the greater will be her power of levying imposts. And so of all the other European States. Their power of taxing the commerce of one another is immense; and, by reason of the impossibility of home production, the people of neither can evade the tax. But to think of this great Zoll-Verein—this great free-trade alliance of States, covering every clime of the world, resting their revenue system upon no broader a basis than their deficient capacity for home production, is absurd. Suppose the States of Europe, like the States of America, were united on the principle of a Zoll-Verein, (and to complete the comparison you should include with Europe the northern States of Africa,) with free-trade among them as there is by the Constitution among these States, and without any other reliance for revenue than on trade external to the whole of them, what would be the consequence? Royalty and nobility, armies and navies, would starve on any possible revenue under the case supposed. That is not yet our condition, but we are coming rapidly to it.

It is a mistake to suppose that we have to grow as old as Europe to rival in her manufacturing. The newness of a country affords advantages for manufacturing in some respects. Many descriptions of raw material can be had cheaper, and the operative can, for the most part, purchase his provisions cheaper. I will mention materials of wood for illustration: Wood is cheaper in the United States than in England, and why cannot we make wooden fabrics cheaper? A laborer buys his meal for fifty cents a bushel here, and there for $1 50; and why cannot the laborer here, working ten hours a day, live better than the laborer there working fourteen hours a day? The half of a dollar is four times as much to a man in Ohio, Indiana, or Illinois, as to a man in Manchester, because he can get four times as much to eat with it. If he can live so much cheaper, and if the materials for manufacture, mineral or vegetable, are also cheaper, why cannot he manufacture cheaper? He can do it. He does not do it, because he can live comfortably without hard labor; while in Europe the operative must use diligent and hard labor or perish. There is a necessity to do it. Were our operatives to undergo the same labor, a man in Ohio would break down his competitor in England, because he obtains his raw material as cheap, and in some respects, a vast deal cheaper, and his bread and meal at less than half price.

But this is not to continue always. The population of the United States is becoming dense.

The northern and middle States will not always have the alternative of high wages at home or public land in the West. The alternative of fleeing to the West to cultivate the soil instead of working for wages below certain rates, disables manufacturing in the older States; but that disability is continually being reduced. The new country is settling up, land is increasing in value, and every day your manufacturer acquires a new facility of bringing his laborer to cheap wages. I am not speaking according to any sentiment of my mind, but according to the laws of political economy. They will rule. Wages will be regulated by supply and demand, and you may as well try to repeal the laws of chemistry as to repeal that law. They are all the laws of God. And I shall never hope, by progressive political science, to substitute a better law for it. Indeed, had a better law been possible, in the nature of things, God would have ordained that better law.

But this is the age of engines—one machine makes another, or, rather, each one is made by all the rest. Everything is done by engines, and human beings are but their body servants. Why, sir, you have a machine for setting card-teeth, that has cut off one half of the revenue on that article. A machine can work as cheap in the United States as in England. It does not matter whether it be run among a crowded or sparse population. A pin-making machine will work as rapidly in a wilderness as in a dense population. Take your machine for making percussion caps, and your machine for moulding bullets, (and I speak of these as curiosities familiar to every one,) will they make fewer caps or fewer bullets in the United States because we have a sparse population? They are constructed mathematically to run so fast, and in that proportion is their product. Indeed, it seems to be the destiny of machinery to engross the whole business of manufacturing, and to supersede, to a great extent, the employment of human labor in the mechanic arts. It would seem that the cultivation of the soil alone is to be left to human hands, and even that not altogether. It is therefore a great mistake to suppose that cheap manufacturing must await the old age of the country, and a dense population. These conditions are favorable as to most kinds of manufacturing, but not indispensable to any. And they are favorable only to the extent that human labor mixes with the operations of machinery. But while machinery thus tends to bring manufacturing to its highest perfection, even in a wilderness, when once introduced, it has the effect, also, of producing a precocious development of the agricultural and mineral resources of a new country; for, engrossing, to a great extent, the business of manufacturing, it drives thousand to the cultivation of the soil. The competition thus produced in agriculture leads, naturally, to the development of the science, and the improvement of the practice of agriculture. The consequence of which is, that agricultural products become greatly multiplied, and that, too, while the home market is contracted; for an engine neither eats bread or meat, or cheese, or vegetables, or wears clothes of wool, or flax, or cotton. For these disadvantages, however, the tiller of the soil has innumerable compensations in the institution of machinery. And I do not regret that things are as they are. One, however, cannot help regretting that this Government should have selected for the subject of its burdens those employments which are committed to human hands, and for the object of its bounties, those that are committed to hands of iron.

But, in referring to compensations to the farmer, I do not admit that the increased wealth and consumptive capacity of the manufacturer is worthy to be mentioned, so far as breadstuffs, provisions, and the more substantial eatables are concerned. It is conceded that wealth is capable of increasing indefinitely one's importance as a consumer, with reference to manufactured commodities. Take, for instance, fabrics of wood or iron, or of any other metal. Such articles are applicable to ten thousand purposes of use or taste, or ostentation and folly; and the richer a man is, the more of them is he able and likely to consume. Each manufacturer, therefore, is apt to become a very important consumer to all the rest. But the human stomach is the spherometer of the chief market of the farmer; and that stomach is only in a minute degree progressive; its capacity for consumption depends very little on wealth.

Mr. Chairman, I am obliged to suspect that many do not realize the situation in which the country stands in regard to its commercial and financial interests. There seems to be a delusion on the subject, and I will endeavor to explain my conception of the cause.

The duty on iron is thirty per cent. That duty we know is not prohibitory. But how much does it lack of being so? Is the prohibitory point five per cent. above the existing duty; or ten, or twenty? Who will undertake to say? The man who has made himself acquainted with the laws that govern in such matters, and has ascertained the principal conditions under which these laws are now operating, who has studied to know the number and force of existing activé causes, may be able to form a rational judgment; but he who has not done this is as incapable of an opinion as a dead man. He cannot know whether the point of prohibition be fifty, or only five per cent. above the actual duty. He cannot see that point, and will realize it only when it is present. It is to him as invisible as death, and like death it will most likely come upon him unawares. That the prohibitory point is near in our neighborhood, is proven by the fact that the reduced duties of the tariff of 1846 increased the revenue; for there was an increase of revenue before the gold crop came in.

I think that no one will deny what I have already stated, that from the year 1824 to the present time, the dutiable capacity of a very large proportion of foreign merchandise has diminished at an average rate of from four to five per cent. per annum. The causes that have produced this diminution, I have endeavored briefly to explain. Now, suppose that for the next four years this reduction should go on at the same rate; what would be the action of the tariff of '46, at the end of the period, upon foreign merchandise that could not, to-day, bear a heavier duty than thirty per cent., or twenty-five, or twenty per cent.? Who can deny that this tariff is fast becoming a prohibitory tariff; and, indeed, is already so to a considerable extent?

But it may be asked whether I would, by reducing the duties, incur the risk of increasing the existing surplus, instead of getting rid of it. I answer that I would most certainly, not doubting that the public would demand still further reductions, until surpluses should cease.

The discovery of gold in California is the only thing that throws doubt upon the financial and commercial prospects of the country. We cannot reason safely from that fact, because we cannot know its future importance. But we can safely say that it will not repeal the laws of political economy. It has introduced no new principle, but has only made the country richer than it was before. Speculation, buying on credit, and over-banking, will not, however, be prevented by increased wealth, though their consequences may be postponed by a rapid progressive increase of wealth.

The tariff of '46 would not now yield sufficient revenue to sustain your current expenditures, but for the gold crop from California. The discovery of those mines, besides throwing a large amount of specie into circulation, duplicating your currency, paper and metallic, has added vastly to your foreign trade. I may be charged with boldness when I say that the gold crop of the country in its double character of merchandise and circulating medium, has added to your exports eighty millions of dollars. In its character as merchandise it is admitted to have added some forty millions. In its character of money, it is conceded to have increased the circulating medium in metallic form, twenty millions. And when it is considered that the portion which went abroad as merchandise, in its transition, percolated the country and served as money for the time, twenty millions may be supposed too low a figure. But by increasing the metallic medium, it has also bolstered up and kept in a flush state, the paper medium, and in this way has enlarged the general circulation.

Now, consider what is the just proportion between the whole amount of circulating medium and the whole valuation of property in a country. Set down money as one twentieth part of property, and it follows that if you add thirty millions to currency, you add six hundred millions to the valuation of property. But an increase of valuation, brought about so suddenly, would not, at first, extend equally to all descriptions of property. It would first affect property actually in the market, and which from its nature belongs to trade, and is destined for annual consumption. Cotton, tobacco, &c., manufactures, &c., would first be affected. Real estate, fixed investments of capital, would experience the effects more gradually. But where the influence first acted it would tend to expend its whole energy, and cotton, with the other items mentioned, would go up to a valuation far above the due proportion between currency and property.

Thus it will be seen that while gold as merchandise has added forty millions to our exports, as currency it has probably added forty millions more, by enhancing the valuation of exported property. And here I must beg you to recollect that the increase of our exports is not so much in the specific quantity of the articles exported as in their valuation. The specific quantity of cotton exported the last year does not much exceed that of previous years, but its valuation is fifty millions greater. And this valuation has been caused in the way I have described.

I have said that forty millions goes abroad as merchandise; but it goes to Europe to become currency, and, added to the influx from Australia, it produces commercial and financial effects there, similar to those produced here by what remains in the country. The relations of the two countries will not therefore be changed. Both have acquired new wealth, and that is about all. The capacity of foreign imports to bear impost duties will go on diminishing hereafter as heretofore. If next year there should be found a surplus in the Treasury, it will be the result of increased wealth in this country and in Europe, and will only show that the prohibitory tendency of your tariff is not sufficient wholly to obviate the effects of that increase of wealth.

We should pursue the same financial policy as if the mines of California had no existence. The discovery of these mines, by-the-by, and their yield, has saved this country from a commercial revulsion. We are now in the midst of the period when that revulsion would have occurred, but for the finding of these mines.

Mr. BAYLY, of Virginia. If there be a commercial revulsion in prospect, would it not be better, since we have a surplus, to provide for our debt, which will not embarrass us when the revulsion comes?

Mr. WOODWARD. That was a part of the argument which I overlooked. I have shown that duties are progressively advancing towards the prohibitory point. There are articles now imported into the United States under the tariff of 1846, which under that same tariff, will not be capable of importation hereafter, and by reducing the duty you will greatly increase revenue.

I do not, Mr. Chairman, believe in a horizontal tariff in any sense, and I am not going to sustain a maxim because the Democratic party is the author of that maxim. There is a great variety of articles that will not bear more than five per cent. If you put twenty per cent. upon them they are prohibited. There are other commodities that will bear a duty of twenty per cent., and would raise the highest possible revenue at that duty. Would I have the same duty upon each of these articles out of respect to the horizontal principle? We ought to measure the capacity for duty of each article, and adjust the duty accordingly.

I was about to conclude by saying, that if twelve months be permitted to elapse, and this discussion is deferred to the commencement of the next Congress, we will not get a bill through even at the long session of Congress. We have failed too often, and always would have failed, but for expedients by the prominent friends of free trade in the session of 1846.

But the gentleman from New York has referred to the estimates of the tariff of 1846, showing how we were then disappointed. Now I happened not to be disappointed. I had been for several years on the Committee on Manufactures, and I felt it my duty to look into that matter. I did not know but that the question of revenue would come before that committee. I recollect perfectly well that my estimates, at the time most carefully

made, gave $28,000,000. I remember distinctly three or four friends coming to me and asking me whether we had not better put off the whole matter, saying there was danger that we would reduce the revenue so much that the whole country would become disgusted with the free-trade party. I said to these gentlemen, "If this tariff does not give us $28,000,000, take my head off at the block." I was not deceived in my estimates.

I am persuaded that the first proposition of the gentleman from New York [Mr. BROOKS] would have been voted for by every sincere free-trade man upon this side of the House, had it not been sprung upon us unawares. They were afraid of some trap set for them. They thought it extraordinary that the gentleman from New York [Mr. BROOKS] should be the author of such a proposition. It never once occurred to them that that gentleman was capable of making a mistake. I could see plainly that he had made a mistake in submitting that proposition; that the parliamentary rule would give us the committee, and that the whole thing would result in a thorough investigation of the question, and lead to a discussion, not upon the abstract question of philosophical political economy, but upon the existing crisis now before the country. It would have been a specific inquiry as to the present revenue, the present commerce, the present surplus, laying aside all philosophical abstractions.

Mr. BROWN, of Mississippi. I desire to call the gentleman's attention to one point he has made. He seems to be apprehensive that, under the operation of the present tariff, we are in danger of a commercial revulsion. The present tariff has raised a larger amount of revenue than the Government consumes. One of the chief complaints is, that we have more revenue than our wants demand. The gentleman from South Carolina, [Mr. WOODWARD,] if I understand the drift of his argument, is in favor of reducing the duties. The point which I submit to him is this: If you reduce the duties, will you not necessarily increase the amount of imports; and in doing that, will you not of necessity make the danger more imminent of that very commercial revulsion of which the gentleman seems to be apprehensive?

Mr. WOODWARD. I have not said that the surplus in the Treasury, or that large importations threatened us with a revulsion. I said, distinctly, that the gold from California, which produced the surplus, had paid for the importations, and thus saved the country from revulsion. The causes which were about to bring on this revulsion, are to be found in the great expansion of bank currency, producing high prices, and thus stimulating the mercantile adventurer to exhaust his credit abroad, in the hope of realizing the high prices at home. This foreign debt has been discharged as far as required by the foreign creditor, by means of California gold. But if no gold had come from California, the metallic currency would have been drawn off to pay the debt, and your paper currency would have lost its basis. The consequence would have been the calling in of their paper by the banks, leaving the people without any kind of money, whether metallic or paper. And if the State governments will incorporate banks indefinitely; if the people will receive as money the scrip of town councils, railroads, and other corporations; and if the commercial adventurer, prompted by the high prices that follows, will exhaust his credit abroad, the country must take the consequences. This Government has no jurisdiction to prevent it, and has no means if it had jurisdiction.

Mr. CLINGMAN. I desire to ask the gentleman from South Carolina a question. I agree with him in the general doctrine that this expansion of bank currency is likely to be attended with such effects as he attributes to it. But since the last revulsion, the United States have become a great gold-producing country—producing sixty or seventy millions of gold annually, and exporting some forty or fifty millions. Now, the question I wish to put to my friend from South Carolina, is this: Suppose there should be a pressure here, would not the effect of it really be to stop this export of forty or fifty millions of gold, and thus prevent the revulsion from operating as it did formerly? For instance, if things became very tight, instead of relying on bank currency alone, and sending abroad forty or fifty millions of gold, that specie might be retained in this country, and no such evils as the gentleman seems to apprehend would result. It strikes me, therefore, that as long as we continue to get gold in much larger quantities than we need it, this system will not produce the injury which the gentleman apprehends. But the moment we stop producing gold, or the moment we produce less than sufficient to supply our wants, then I think this difficulty will present itself.

Mr. WOODWARD. My friend has stated what I endeavored to state, that the increase in the production of gold has operated to postpone this crisis. But I think he falls into one error. He seems to suppose that as long as the yield of gold continues what it is, we will have a safeguard against such revulsions for all future time, or for an indefinite future. I dissent from that. It will only postpone it for a certain time, under the laws of political economy. The yield of gold, too, must be progressive in order to put off such a crisis. If a people will have a bank currency based upon credit—three paper capitals to one specie capital, or probably no specie capital at all—they must suffer the consequence, and all the governments on God's earth cannot save them from it. Now, I think, however, that there is a probability that the yield of the gold mines of California will be for a time progressive. The earth seems to contain an indefinite quantity of gold. The yield thus far has been in proportion to the population. Just exactly as the population has increased in California, the produce of gold has increased; and we have a right to expect that if the population doubles during twenty years, the increase of gold may also double, and that might save the country from revulsions. But the impost system is the question I am upon. Revulsions were referred to incidentally.

Mr. CLINGMAN. I do not think my friend understood me exactly. My view is this: that until the export of gold has to be stopped, this danger will not occur. As long as we are a great gold-exporting country the want of money here will check that exportation and must check it, and whilst we produce a great deal more gold than we need, the danger is not to be apprehended.

[Mr. WOODWARD at the time of speaking did not rightly apprehend the interrogatory of Mr. CLINGMAN. The following answer would have been appropriate.]

As has already been said, the gold from your mines has postponed the period of revulsion, and will continue to have that tendency more or less, according to the yield of the mines. But I do not believe that any amount of gold will prevent the evils of licentious banking, such as we have in this country. The instincts which lead to banking, will always carry it to excess. The rivalry of cities and towns and villages, and a great variety of corporations, seeking each to aggrandize itself, leads inevitably to over-banking where banks have once come into existence. If a bank be given to one, then all the rest set up their claim on the score of justice and equality, and a bank is given to each on that score; and without any inquiry whether the circulating medium be not already sufficient. Bank paper will therefore run up to, or beyond the healthy point. And if it never fails to surcharge the whole sphere of circulation when specie has retired to the vaults, and left it the whole, for the same reason it will never fail to surcharge any portion of that sphere which specie may leave vacant for it. I mean to say it will always occupy more space than it is entitled to.

But while the indefinite supply of native gold may fail to prevent revulsion or depression, it will, at all times, tend to mitigate them, for the reason stated by my friend, [Mr. CLINGMAN.] But it will not obviate the necessity of moderate duties or imposts; and that is the point I have been considering.

Paper money, when it has once acquired the confidence of the people, will drive metallic currency to other countries, or into the sphere of international money, whither paper cannot go. Your gold crop, therefore, will in the main go abroad to pay debts, or be exchanged for importations. And as a crop, it will have a similar relation to paper medium, as any other crop of equal value, except that its indefinite increase will cause the depreciation of all money, itself in particular.

LIEUTENANT GENERAL.

SPEECH OF MR. SMITH,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

January 5, 1853.

The House being in Committee of the Whole on the state of the Union, on the bill to confer the title of Lieutenant General by Brevet—

Mr. SMITH said:

Mr. CHAIRMAN: I am not here for the purpose of defending the private, the political, or the personal character of General Scott. I rise to advocate the passage of the Senate resolution creating a new title of lieutenant general, and authorizing the President to confer it, by brevet, for eminent military services. It is a military question, and I propose to address myself to it as such; and in speaking of General Scott, I shall confine myself, mainly, to his military character. There is no man in the country who was more sincerely or earnestly opposed to his elevation to the Presidency than I was. But my opposition to him, my political opposition, was tempered by my admiration of his military character; and I have never permitted myself, on any occasion, to detract his military renown.

Sir, I have examined this question in all its bearings; but before I go into the midst of the subject, as I have arranged it, I must refer to the remarks of the honorable gentlemen who spoke yesterday, the gentleman from Tennessee, [Mr. POLK,] and the gentleman from Oregon, [Mr. LANE.]

I expected, sir, and I had my pencil ready to take notes thereof—I expected that the honorable gentleman from Tennessee [Mr. POLK] would bring forward some substantial arguments against the passage of this resolution. I was disappointed; perhaps it was because his mind was directed to another and a greater question. The gentleman's opposition to this bill merged itself into a simple attack upon the private character of General Scott, under the declaration that he was unworthy of the honor——

Mr. POLK, (interrupting.) The assault that the gentleman from Alabama makes upon me, that the speech I made on yesterday was conceived in the spirit of personal feeling, is unjust.

Mr. SMITH. The gentleman misunderstands me——

Mr. POLK. I relied upon the testimony of Jackson, of Wilkinson, of De Witt Clinton, of Worth, of Pillow, of Duncan, of Brown, and a host of others that form the galaxy of military greatness in this country, to show that he was unworthy of it, and the course I pursued proves that I had no personal feeling in it.

Mr. SMITH. I expect to answer the gentleman in the spirit in which he made his remarks. I beg him to be patient. I am a patient man myself.

Mr. POLK. So am I.

THE QUARRELS OF GREAT LEADERS.

Mr. SMITH. I propose to show that the arguments brought forward by the honorable gentleman from Tennessee [Mr. POLK] against this resolution, in whatever spirit they may have been conceived, are, to say the most for them, but objections to General Scott's private and personal character. I did not intimate that the gentleman had any personal motive, because he disclaimed it at the time. What was the argument? The charge was that General Jackson, and General Wilkinson, and De Witt Clinton and others, had quarreled with General Scott. The intimation was that because they had quarreled with General Scott, he, General Scott, was a knave, and unworthy of his honors. Sir, great men have the right to quarrel—very many of them do quarrel. Is a quarrel an indication that either of the parties is a knave? Why, sir, does the British press, when our condidates for the Presidency are announced, say that the people of the United States have selected two of the greatest scamps in the country to be their candidates for the Presidency? Because the antagonistic presses of the country authorize the conclusion. The English press can prove its assertions by the Herald on the one side, and the Tribune on the other; so common is it to slander and abuse great men.

Well, sir, it seems that General Jackson, De Witt Clinton, and General Wilkinson were not friendly with General Scott. But what does that amount to? No one would pause to answer a charge made by General Wilkinson; but anything coming from General Jackson must be respected, and noted, and answered. And I answer. How? That General Jackson knew very well that the way to rise in the world was to put his foot upon his enemy and crush him, to prevent the enemy from crushing him:—and he had all those qualities in an eminent degree which rendered him the very man to take advantage of the suggestions of his intuitive sagacity.

Sir, from the beginning of the world we see great political leaders commencing life friendly, remaining so until they become competitors, and then—they become enemies. Go back to the olden times, and you see one great Athenian ostracizing his enemy to-day—he himself, in his turn, is ostracized to-morrow. You see the great Roman exiling his enemy to-day, and himself exiled to-morrow. You see Cæsar and Pompey, whose young plumes kissed each other in the beginning of life, afterwards quarreling. Brutus and Cassius quarreled. Cæsar and Cato quarreled. General Jackson quarreled with General Scott, and he quarreled with Mr. Clay, and he quarreled with Mr. Calhoun. What is the argument? It resolves itself at last into this, that great leaders want to get one another out of the way.

I remember a phrase—it is the whole idea in a nut-shell—in the quarrel between Percy and Prince Hal, when they met upon the field of battle—

"Think not, Percy,
To share with me in glory any more:
Two stars keep not their motion in one sphere;
Nor can one England brook the double reign
Of Harry Percy and the Prince of Wales."

There is the philosophy. There is the principle. This is a complete, and a full and perfect answer to the fact that General Jackson quarreled with General Scott. General Jackson had in his elements those terrible traits of character (without which no man could have achieved such a successful career) which made him the best friend and the fiercest enemy. General Jackson was himself assailed by the coffin hand-bills! Is that any evidence that he was a knave? If it be admitted that that is no evidence that General Jackson was a knave, I am sure General Wilkinson's hand-bill against General Scott is no evidence that he is a knave.

Now, sir, I propose to disarm the gentleman from Tennessee [Mr. POLK] further in this matter, by his own witnesses, by his own men, his own friends. Beginning with the history of the country, and with the compliments of Congress to General Scott, I pass to the distinguished gentleman from Oregon, [Mr. LANE,] and with him disarm the gentleman from Tennessee, in this attack upon General Scott. I understood the gentleman, [Mr. POLK,] in the fine eulogy he passed upon General Washington, to say that General Washington was first in the *hearts of his officers*, thereby intimating that General Scott was not in the *hearts* of his officers. Did I understand aright?

Mr. POLK. I meant that the history of his difficulties with his officers will prove what I said.

Mr. SMITH. If by the words, "General Washington was first in the *hearts of his officers*," I interpret the gentleman properly, that he meant that General Scott was *not* in the *hearts* of his officers, I call the gentleman's attention to the speech of his distinguished friend from Oregon, [Mr. LANE,] a man with a big military heart—a man who had served with General Scott—a man who had smelled gunpowder—a man who knew how to appreciate military capacity and military character; and what did General LANE say? "I 'love General Scott as a man, and I have the 'highest admiration of him as the Commander-in-'Chief of the Army of the United States. He 'deserves the place." I ask if that does not disarm General Wilkinson? I ask if it is not a fair answer to the bitter enmity of General Jackson? Here is one officer, at least, who speaks in favor of General Scott's military and personal character.

The gentleman mis-reads the history of Washington, sir, when he says he was *first* in the *hearts* of his officers. It is well known that even he had to contend with the jealousies and heartburnings of ambitious and aspiring spirits, who wished to supersede and thwart him. Many were the combinations formed by some of his officers in the course of the revolutionary war, to take from him the position he held, and to prostrate him as an officer. Even he had his quarrels.

Where, then, are the arguments of my friend from Tennessee? What is this charge worth? Nothing—nothing. It is "stale, flat, and unprofitable."

GENERAL WASHINGTON.

The gentleman from Tennessee, [Mr. POLK,] in his fine eulogy upon the character of General Washington, gravely and solemnly asks: "Will you make, by a solemn enactment of Congress, General Scott equal to General Washington?" This is an intimation, of course, that, as General Washington had once held the office of lieutenant general, no other man ought to hold it! Why, sir, it is true that General Washington was made, by act of Congress, a lieutenant general; but it was no elevation to him. It was positively a degradation; so understood and so acted upon afterwards by Congress. Sir, General Washington was not only a lieutenant general, but he was a President of the United States. Will you say, that because he happened to be President, it is a profanation of his character to make any other man President; and that because he happened to be a lieutenant general, it is a profanation of his character to make any other man a lieutenant general? I have as high an appreciation of the character of General Washington as any American citizen. But I do not despair of many Washingtons. It was not because he won great battles alone that he is revered; not because he was a great warrior, for there have been greater mere fighters, but it was because the battles he won were liberty's first battles, and because, in the moral grandeur of his character, he refused to take advantage of the popularity which his military achievements had acquired, to elevate and aggrandize himself.

Now, I must pass from my honorable friend from Tennessee, giving to him for his motives the utmost patriotism in all his movements. I know that he does not intend anything wrong; and the gallant manner in which he fought for the bill just passed by this House, for the relief of Mrs. Worth, met with my approbation so heartily that I forgive him for the mistake which he has made in this. It is a great mistake in a small matter.

GENERAL LANE, GENERAL WOOL, AND THE HISTORY OF THIS PROPOSITION.

I now go to the honorable gentleman from Oregon, [Mr. LANE,] and propose to disarm him. I am glad he is not here, (I see his seat vacant,) because I can say freely how much I admire him—how great I believe him to be in arms—how largely the country is indebted to him for his eminent services in Mexico and Oregon—and how high the pillar of glory ought to be erected for him. I can say this in his absence, which I might be unwilling to say in his presence. But, on another account, I regret his absence. I must say something that I would rather say in his presence. I would show him how completely he has disarmed himself in his argument.

The gentleman from Oregon [General LANE] spoke of the necessity, under this resolution, of reorganizing the Army—of increasing its generals. That is an important question, but no longer an open one. The Army, at least, must be increased; and a reorganization, as suggested by the gentleman, could do no harm. Sir, if we continue to look forward to the acquisition of new territories, (and we do,)—if we intend to stand by the Monroe doctrine as to the foreign occupancy of American soil, (and we do,) our Army must be increased. Our conduct and designs cannot always be mere brag and bluster. Our continuous filibustering is bound to bring about a fight after awhile. You will not only have to increase your armies, sir, but you must repair your navies. There should be new grades in the Navy, as well as new ships. Your little squadron of canoes must be changed into a great and respectable and powerful steam Navy to meet the exigencies of the day.

You remember, that the gentleman, [General LANE,] after making some suggestion about the consequence of the passage of this resolution as to the necessity of a reorganization of the Army, paused and commented upon General Wool, giving to him in a splendid eulogy the glory of the battle of Buena Vista. General Wool may possibly deserve it. I have a high admiration of General Wool, and I wish him to have the last laurel, and more than the last, for all the honors that he has won in the service of his country. But what use have I for that reference?

The opinions expressed by the honorable gentleman from Oregon, [General LANE,] were the opinions of a distinguished military chieftain, and they are entitled to credit as coming from such a source. I propose to answer him with his own witness:—and I now call the attention of the committee to the HISTORY OF THE PROPOSITION with reference to the establishment of the grade and title of lieutenant general.

It has been pending many years in Congress, and is not offered now as a mere salvo to General Scott. I would scorn to make such an offer to such a man. His consolation may be found in the speech of an old Roman, who, upon being defeated for Consul, rejoiced that Rome had in her limits one greater man than himself.

But as to the history of this resolution, in connection with General LANE's eulogy upon General Wool:

"July 29, 1850, Hon. Mr. CLEMENS submitted the following:

"'*Resolved*, That the Committee on Military Affairs be 'instructed to inquire into the expediency of conferring, by 'law, the brevet rank of lieutenant general on Major General Winfield Scott, with such additional pay and allow-'ances as may be deemed proper, in consideration of the distinguished services rendered to the Republic by that officer 'during the late war with Mexico.'

"Eight days later that resolution was referred to the Senate's Military Committee.

"On the last day of the session, September 30, 1850, Hon. JEFFERSON DAVIS, chairman, reported the following resolution on the same subject:

"'*Resolved*, That the President of the United States be, 'and he is hereby, requested to refer to an army board of 'officers, to be designated by him, the following questions, 'viz:

"'Is it expedient or necessary to provide for additional 'grades of commissioned officers in the Army of the United 'States? If so, what grades, in addition to the present or-'ganization, should be created?'

"In pursuance of this request the President of the United States, by order, December 2, 1852, appointed a board of officers—Generals Jesup, (President,) WOOL, Gibson, Totten, Talcott, Hitchcock, and Colonel Crane, who reported, unanimously, as follows:

"'Under the first inquiry referred to it, the board is of 'opinion that it is expedient to create, by law, for the Army, 'the additional grade of lieutenant general, and that when, 'in the opinion of the President and Senate, it shall be 'deemed proper to acknowledge eminent services of officers of the Army, and in the mode already provided for in 'subordinate grades, it is expedient and proper that the 'grade of lieutenant general may be conferred by brevet.'

"December 17, 1850, that report was laid before the Senate, and 'referred to the Committee on Military Affairs,' &c.

"January 25, 1851, Hon. Mr. SHIELDS, chairman, &c., reported a joint resolution in conformity with the recommendation of the Military Board."

You will see from this that the President of the United States, in compliance with the request of the Senate, appointed a board of Army officers to examine the matter. That board consisted of the following gentlemen: Jesup, WOOL, Totten, Talcott, Hitchcock, and Colonel Crane. Recollect that General Wool, the man who was so much eulogized by the honorable Delegate from Oregon on yesterday, was placed on that board; and you have this report recommending, in the fullest possible manner, the passage of this proposition.

I ask if the gentleman from Oregon [General LANE] is not partially disarmed by his own eulogized witness? General Wool is a regular officer of the Army; bred in the Army—a Major General, having earned the distinction by long service in camp. I have shown you that he recommended, after solemn investigation and examination, the adoption of this new military rank. Now I propose to offset the opinion of the gentleman from Oregon against this resolution, with the opinion of his own great witness, General Wool, in its favor. And General Wool is a Democrat of the first water.

Mr. HALL, (in his seat.) What sort is that?

Mr. SMITH. The phrase is applicable to a diamond—a diamond of the first water—purest. There is your answer. General Jesup was the President of this board of inquiry. *He*, too, is a Democrat of the *first water*—an old soldier—beginning life in arms with General Scott; bred in the camp, his opinion is entitled to weight—much weight. And doubtless those other gentlemen of the board are greatly distinguished and learned in

the science of arms and the strategics of war. In reference to the remarks of the gentleman from Oregon, as to the ingratitude of the country and Congress, I concur with them fully. The Congress is in fault in not having appreciated General Wool, and many other distinguished officers who have fought and bled for the country. But that is no argument against the passage of this resolution. Do you believe that Ben McCullough, the distinguished captain so honorably alluded to by the gentleman from Oregon [Mr. LANE] on yesterday, if he were here, would oppose this resolution? No, sir-*ee!* [Laughter.] If the country be ungrateful upon one occasion, is it any reason why it should be ungrateful upon another? That would be a strange sort of logic. The fact that the country refuses to-day to do its duty is no reason that it should refuse to-morrow to do it. Congress has signally failed to do its duty in this matter. But let us begin. This is as good a time as any, and we are beginning, in my opinion, at a very proper point.

NATIONAL INGRATITUDE—REWARDS.

Mr. Chairman, national ingratitude will always be visited with proper retribution. If you refuse to reward your military men, you make them sullen, silent, and gloomy—panting for honors which you refuse to them—they may desert your flag and drive you to the necessity of throwing yourself upon newer men, more untried soldiers. The true policy of nations and of princes, is to reward merit at all times. The love and desire of reward is insatiate in man's heart. It is exhibited in the child whose little mouth is upturned to receive its mother's approving kiss; in the school-boy in his struggles for the medal; in the student who trims the midnight lamp, and coaxes up the last drop of the oil that can yield him light; and in the man when he is rejoicing over the success of his first achievement. In the days of chivalry, what was a knight without a rose—what was knighthood without a lady's smile? This word "reward," embodies in it a greater and loftier word—excelsior, which lifts a man above the common places of earth, and inspires him to the loftiest pursuits. Reward is the nurse of ambition, and what would life be worth without ambition?

Your mere politician may plod through life, and, if he be a reasonable man, only expect a seat in Congress as his reward. Unless he has extraordinary qualities, or uncommon *luck*, that is as high as he can reasonably expect to climb; but he faces no bullets, (except paper bullets,) he storms no fortresses, (except the groceries.) But blood and peril demand to be paid in pleasures and rewards. There, sir, is the difference between the deserts of a military man and a mere politician.

With the kind attention of the committee, I could now demonstrate, Mr. Chairman, that all the nations of the earth, from the beginning of time, have been in the habit of rewarding their military men to the utmost extent. But I must crowd the history of the past into this phrase, while I make particular allusion to the lately-deceased Duke of Wellington, who has occupied much of the attention of the people of the earth so recently.

THE DUKE OF WELLINGTON'S PROMOTIONS.

I desire to show you that with less military capacity, with fewer military achievements and fewer military difficulties, the Duke of Wellington has been rewarded a thousand times more than General Scott—living in the same age—but under a more enlightened and more liberal, and a more grateful Government than ours: I mean as to military matters. I show that the secret is known to the Powers of England. They know the sources of their success in arms; and that secret is the reward they bestow upon their military heroes. The Duke of Wellington was promoted at a very early age, and he never made a military movement upon any occasion without receiving a promotion. He was sent as a colonel to the East Indies, and after a few skirmishes there, rising grade by grade, he was made a major general on the 2d of April, 1802. Here is a list of his commissions when he was a young man. The first commission of colonel was conferred on the 3d of May, 1796, that of major general on the 2d of April, 1802, that of lieutenant general on the 25th of April, 1808, that of general in Spain and Portugal 1811, and that of field marshal in 1813. This is rapid promotion for a military man, and he sometimes received two or three promotions for a single military display. The achievements of Wellington in the East deserve but the name of mere military skirmishes. He there contended with untutored barbarians, yet he was made a field marshal before 1813. After his return he had the marshals of France to contend with. He won some very clever victories in France, but nothing more brilliant than we see in the career of General Scott, except the battle of Waterloo. I will read as a matter of curiosity a list of the promotions of the Duke of Wellington.

The gentleman from Ohio [Mr. CARTTER] yesterday said something about hereditary titles and the heraldry of nobility. In referring to the promotions of the distinguished Duke, of course I do not wish to follow the example of England in conferring titles of nobility, but I wish merely to show that his promotions were given on account of military achievements:

"His commission of colonel was conferred on the 3d of May, 1796; that of major general, 2d of April, 1802; of lieutenant general, 25th April, 1808; of general in Spain and Portugal, 31st July, 1811; of field marshal, 21st June 1813."

These promotions followed his skirmishes in the East, and before his achievements in France

"He embarked for Europe on the 10th of March, 1805, the *Trident* frigate, after having received, from the officers of the army he had commanded, the merchants of Calcutta, and the native inhabitants of Seringapatam, highly gratifying and substantial tokens of admiration and esteem. The officers of the Army subscribed for a gold vase, to be inscribed with the name of his great victory, Assye; this was subsequently changed to a service of plate; the merchants of Calcutta presented him with a sword valued at a thousand guineas; and, a far more honoring tribute than these, the native people of Seringapatam presented him with an address, containing a prayer to the God of all castes and colors,' to bless and reward him for his just and equal rule in the Mysore. He had been previously, on the 1st September, 1804, created a Knight Companion of the Bath, and was consequently now Sir Arthur Wellesley, K. C. B."

Soon after he was voted a sum of £200,000 sterling. But here to-day, in the American Congress, you have stickled at voting fifty dollars a month to the widow and children of General Worth, one of the most gallant officers of your Army. That is American gratitude?

How soon you forget your great battles. I remember a place called Monterey. There was once a fight there, thought at the time to have brought some glory to the American arms. I remember a leader after long and continuous fighting, storming the Bishop's castle, with his bright sword and red plume flashing amid the smoke and fire of the furious conflict, himself heading the charge, and closing a great victory. That was General Worth. Will you count by dollars and cents the value of such glorious deeds, and pause at the proposition to take adequate care of the widow and orphans of such a hero?

But let us go on with the history of the promotions of the Duke of Wellington. For the battle of Talavera,

"On the 10th of February, 1810, the Commons voted Lord Wellington a pension of £2,000 a year, with succession for two generations."

Again:

"In 1811, Lord Wellington received the thanks of the British Crown and Parliament for the liberation of Portugal."

* * * * * * *

"On the 12th of August following, Wellington made his triumphant entry into Madrid amidst the acclamations of the inhabitants, and was immediately afterwards appointed generalissimo of the Spanish armies. On the 18th of the same month he was created Marquis of Wellington by the Prince-Regent of England." * * * *

"In the beginning of 1813, the Marquis of Wellington, upon whom the colonelcy of the royal regiment of Horse-guards had been previously conferred, was created a Knight of the Garter. He visited Cadiz, and sailed thence to Lisbon, where he was received by the population with great enthusiasm." * * * "Honors and rewards were thickly showered about this time upon the triumphant British general. One hundred thousand pounds for the purchase of an estate had been voted him by the English Parliament, and he was now created by the Spanish authorities Duque de Ciudad Rodrigo, and a grandee of Spain of the first class. The estate of Soto de Roma, of which the unhappily celebrated Prince of Peace had been despoiled, was bestowed upon him by the Cadiz Cortes, 'in testimony of the gratitude of the Spanish nation.' He accepted the gift, but the proceeds of the estate were devoted during the war to the public service." * * * *

"Their renowned commander was created, on the 3d of May of that year, Marquis of Douro and Duke of Wellington; and in June £400,000, making, with the previous grant of £100,000, half a million of money, was awarded him by the House of Commons. On the 28th of the same month, the Duke took his seat in the House of Peers, and subscribed to the parliamentary roll, the patents of all his titles having been first read by the officer of the House."

Well, sir, I could go on with a still longer list of these promotions. It is true that Wellington was an English general, but I apprehend that he was no better than an American general. He achieved these high honors by his military exploits alone.

"On the final evacuation of France on the 1st of November, 1818, he returned to England, and soon afterwards entered Lord Liverpool's cabinet as master-general of the ordnance. An extra grant of £200,000 was voted him in 1815, making in all £700,000 in money, besides the pension of £2,000 a year, and many lucrative appointments bestowed upon him by the Government—an amount of pecuniary reward as unexampled as the military services it recompensed."

I do not mean to say that the history of these promotions forms an argument conclusive in favor of the passage of this resolution, but is it anything extraordinary that we should ask for its passage? Is this the first time that an effort has been made to reward an American chieftain. Eleven thousand acres of land were donated to Lafayette by the Congress of the United States, and $200,000 in money besides. It is true that Lafayette afforded us very great aid in the great struggle which made us free. I do not offer this as an argument why this resolution should pass, but I ask, in connection with the fact, if it is extraordinary that this proposition should be made to an American Congress. I believe I stated that leaving out the battle of Waterloo, I would place General Scott and his battles beside Wellington and his battles. It is not my business to eulogize General Scott; I leave that to other hands; but I cannot forget the history of the country. From Queenstown to the City of Mexico his military achievements have been of the most brilliant, striking character, with few and unimportant reverses. It has been recorded by great men, that the career of General Scott in Mexico, or at least of his army, was unparalleled in modern history.

COMMANDERS-IN-CHIEF NOT EXPECTED TO EXPOSE THEMSELVES.

But some gentlemen say that General Scott was not in the battles at all, that he did not smell gunpowder, and that he was not on the field of danger. I know nothing about the truth of that, but I know that in modern times it is not expected that a commander-in-chief should expose himself, except at times of great emergency. In days of old, when it was a hand-to-hand, hip-and-thigh, and sword-to-sword conflict, then it was necessary and customary for the Cæsars, Alexanders, and Timoleons to mingle in the thickest of the fight; but in modern times, after a man establishes his character for courage, as Napoleon did at Lodi, and Scott at Lundy's Lane—when such men are intrusted with the chief command of armies, they are not expected to mingle directly in the fight. It was the boast of Napoleon Bonaparte, in his old age, that he very rarely had to go into battle. Said he, "I won my battles by my eye, and not by my arms." Lundy's Lane and Chippewa form a fair offset to Lodi. General Scott established a character of courage. It was not necessary that he should expose himself, as commander-in-chief, unless the peril of the occasion required it. I do not care if he was not in the battles. His commands, his strategics, carried out by his gallant officers, gained the battles. Common custom, common decency gives him the honor of the victories, while it takes nothing from any man—not a single laurel which may have been won in the thicker conflict. At the battle of Waterloo, Wellington and Napoleon were both out of danger most of the time, according to true history. It was their duty to be. The fate, not only of France, but of England and all Europe depended upon the decision of the contest. Why, in such an emergency, should the chief be exposed to danger? Napoleon had his place of elevation from which to take his observations, and his commands were given to his subordinates according as the aspects of the field authorized. Sir, an impetuous man is never fit for a chief command. Napoleon knew very well where to place Murat—never at the head of a division, but at the head of a charge. These madcaps are only fit to lead columns upon the plans and judgment of cooler heads. General Scott is entitled to the glory, great as it is, derived from our conquest in the recent

war with Mexico, and no effort of historians or legislators can deprive him of it.

Sir, in addition to the merits of General Scott as a military man, he is entitled to the gratitude of his country for his literature. He has enriched the annals of our military department by books of tactics, industriously, skillfully, and scientifically arranged. Grateful France gives Napoleon infinite credit for every little scrap he wrote, whether upon the art of war or anything else. But, as I said before, it is not my business to eulogize General Scott.

OUGHT THIS BE MADE A POLITICAL QUESTION?

Disguise it as you may, the objection to this resolution is political. Gentlemen deceive themselves, no doubt honestly, when they think otherwise. It is said by General Scott's detractors that he cannot make political speeches, and that he is not a great civilian Well, I am not disputing that. Themistocles could not "play the fiddle, but he could make a small town a great city." General Scott cannot make political speeches, but he can win great battles—that is better.

I come now to consider the political aspect of this resolution. I tell the Democracy in all kindness, that they are making a small business of this, and of themselves, by opposing it. I speak it as a friend—not as an enemy; for I challenge any man in this Hall to compare votes with me upon all questions involving Democratic policy. But I cannot make this a political question. Let us inquire if it was made a political question in the Senate.

THE DEMOCRACY OF THE SENATE VOTING FOR THE RESOLUTION.

I here [unrolling a list of the senatorial vote] show you a gallant roll of the standard Democrats in the country, who voted for this bill in the Senate. I begin with Atchison, the President of the Senate; then Butler, of South Carolina; there is General Cass, a long distinguished chief; then I come to Clemens, of Alabama, the mover and father of this resolution—a young statesman, a gallant colonel in the Army in Mexico; a man whose genius has made him a peer among Senators, and whose genuine Democracy has never been disputed except by the slaves of faction. I come then to De Saussure, of South Carolina; is it possible that the South Carolina delegation in this House will vote against this resolution? I come then to the two Dodges, old and young in Democracy—a noble father and a noble son! I come then to Gwin, of California, and then to Hunter, of Virginia. I do not speak of Mr. Hunter as a Senator merely; I speak of him as a prospective Secretary of State—a leader not only of the Democracy, but a leader in the grand councils of the incoming Executive. Is any man ashamed now, upon the question of Democracy, to sit side by side with these men? Then, sir, there is Mason, of Virginia. What will the Virginia delegation do here? Are they a unit in opposition to this resolution? Do they stoop to make it a party question? Then there is General Rusk—a hero worthy of the soil he represents, and a Democrat. He voted for it, too. Then there is General Shields, not only a Democrat, not only a Senator, but a soldier with a bullet through his body, received at Cerro Gordo—the hero of the heights—living through extraordinary mercy, preserved by a miracle, to be permitted to utter the praises of his noble commander in the grandest council of the world. How nobly he does it, with the characteristic magnanimity of an Irish gentleman! What else do you want to make it a Democratic measure? Ah, but there is another side to this picture, which I will present to southern Democrats.

I beg them to view the other side of this picture. There were thirty-four Senators in favor of this resolution, and twelve against it. Who were the twelve? JOHN P. HALE was one of them. I speak of him, not as a Senator merely, but as a competitor of General Scott in the late contest. He voted against this resolution. I come next to the name of Mr. CHASE, of Ohio. He, too, voted against it. I am talking now to southern Democrats. CHARLES SUMNER, also voted against it. Now, the question is, are you willing to sit down with CASS and BUTLER, and SHIELDS and ATCHISON and CLEMENS, or will you squeeze yourselves down between HALE and CHASE? Let southern Democrats choose for themselves, and pardon me if I do the same for myself.

Mr. JONES, of Tennessee. How did Adams, of Mississippi, vote?

Mr. SMITH. He voted against the resolution.

Mr. HARRIS, of Tennessee. How did Mr. Seward vote? [Laughter.]

Mr. SMITH. I did not inquire. [Renewed laughter.] I was only looking for Democrats. I wanted to show a Democratic side of the case; that was my argument, and I have not named them all. I find here, Mr. SOULE, another distinguished Democrat, voting for this resolution. And nearly all the Democratic States who voted for General Pierce, have voted, by their Senators, for this resolution!

Well, now, Mr. Chairman, in this aspect of the case, I ask the Democracy what they expect to make by opposing this resolution? What great political effect is this opposition to achieve?

There was something said about magnanimity yesterday. I understood the word magnanimity to be scoffed at, scorned, and scouted in this Hall; but still it remains in the vocabulary of our language, and has a meaning. I heard a gentleman here yesterday use the word "whipped," as applicable to General Scott. If that word (meaning, as it does, to lacerate with stripes) was carefully selected, I think it was ungenerous to use it. Was it liberal, I ask, to go through the vocabulary and select such a degrading phrase? Why not say "defeated?" Everybody understands that, and it would have been respectful.

Well, you have defeated General Scott in an open conflict, and what do you propose to do now? He is not asking anything at your hands. The Democracy at the other end of the Capitol, headed by the Military Committee and advised by a board of distinguished officers of the Army, who were selected at the Senate's request, are asking this honor for General Scott. He is your defeated competitor. How will you treat him? Will you imitate the ancients who put Regulus in a spiked barrel and rolled it down hill? Will you imitate the Romans who chained Jugurtha to the wheels of the triumphal car and dragged him through the streets of Rome and thrust him into a dungeon? Will you send him to a far-off island in the ocean, under a perpetual guard, as the British did the grand Napoleon? How will you treat him? Do you remember the anecdote told of Alexander and Porus, familiar to the school children of the day, but which may be forgotten by politicans: When Alexander defeated and overthrew Porus, the Indian king was brought a prisoner to the conqueror and asked how he desired to be treated? You all remember the answer: "Treat me like a king." The gallant response will never be forgotten. The reward of the gallant response will never be forgotten. He was treated like a king. How will you treat General Scott? Why, treat him like a hero, as he is.

Sir, in all the speeches that have been made here, on this subject, I have not heard a solitary substantial objection to the passage of this resolution. Ah! but gentlemen say he has got glory enough. He has got the history—the record—the "*brevet of glory.*"

REWARDING THE DEAD.

Well, there is something in that. "The brevet of glory" is a beautiful and poetical phrase, for which I am indebted to my young friend from Virginia, [Mr. CLEMENS,] in an incidental remark. We know that when General Scott goes to the grave, he will be rewarded. We cannot look upon the monuments springing up around us in this city, in memory of the great heroic DEAD; we cannot look forward to what is to happen here on the eighth of January, (the inauguration of the Jackson statue,) without being convinced that when he is dead, he will be rewarded. But reward him while he lives. The eyes of the dead cannot see these lofty pillars of renown. The ears of the dead cannot hear the shouts of the living millions. Give him his reward while he needs it. He has now all the advantages of posterity. Posterity is to him, as it is to all, a dream, a fiction to be realized by imagination, if realized at all.

What a satire upon the practice of mankind to neglect merit, is found in the touching incident of the death of the young poet, Keats, who died of a crushed heart, from the scorn of a cold world. Despairing of an immortality which he had really achieved, in the bitterness of his last moments, he dictated his own epitaph:

"Here lies one whose name was writ in water!"

Sir, if you have any rewards to give, let them be given in time.

But you stickle at the pay. Oh! yes—the pay. Well, I do not believe the resolution, in its present shape, would carry pay with it. The pay, if any, must be provided hereafter; but that is a small matter. Many of you, gentlemen, who oppose this resolution upon the ground that it carries extra pay with it, voted last session to give five millions of dollars to a mere steamboat monopoly, to fatten a few New York SNOB PRINCES, and yet now you quarrel over the prospective pay which this grade will probably carry with it. Sir, if it carries the pay, it is right. Give him the money—give him the pay—give him the rank—let your economy be better directed.

I see, Mr. Chairman, from the impatient wag of your hammer, that my hour is about expiring. How much time have I?

The CHAIRMAN. Only two minutes.

Mr. SMITH. Then I omit many things, and must pay my respects to the gentleman from Ohio, [Mr. CARTTER.] He talked yesterday about the "heraldry of nobility," and titles, and *mock legislation*, and moved an amendment, to insert the word "lord," so as to make it read "Lord Lieutenant General Winfield Scott." Well, now, I merely want to suggest as an amendment to that, the better to suit the taste of that gentleman, to insert after the words "lord lieutenant general," the words "Louis Kossuth *alias* Alexander Smith." [Great laughter, and cries of "Bravo!" "Bravo!"] The gentleman [Mr. CARTTER] was a hero in the Kossuth contest in this House. Was *that* mock legislation or not? A member of Congress and a native of this country, advocating the rewarding of a mere *runaway governor* with honors unheard of and unprecedented before in this Hall, inducing the Congress of the nation to stand up uncovered in the gorgeous presence of that arrogant foreigner, to get a peep at his sword, and a far off-vision of the train of monkeys that made up his foreign suite. The same gentleman, on this occasion, speaks against a resolution conferring on one of his own countrymen a mere military badge of honor, which is dearer to a soldier's heart than anything except a victory! Sir, I think the gentleman from Ohio is a proper man to talk about the "*heraldry of nobility*," and "*mock* legislation."

ACQUISITION OF CUBA—CANADA.

SPEECH OF HON. HIRAM BELL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 10, 1853,

In the Committee of the Whole on the state of the Union, on the annexation of Cuba, Canada, &c.

Mr. BELL said:

Mr. CHAIRMAN: I presume I shall not trespass upon the time of this committee beyond the usual time allotted upon such occasions. I rise now mainly for the purpose of entering my protest before this House, and before the public, in relation to some positions which have been assumed as admitted by honorable members of this House. And I should not consider that necessary, were it not for the fact, that upon former occasions, the popular acquiescence in opinions in relation to, and constructions of former acts of Congress have been considered as an assent to those declarations. We have been told by honorable members of this House, that the people of this country were for annexation of Cuba; that they were for progress; that they were for the extension of the country; and even some have gone so far, without a limit as regards time, as to express themselves in favor of taking the balance of Mexico. That may all be right; but I would inquire of honorable gentlemen who entertain those sentiments, and send them abroad, upon what pretext are we to acquire this territory? Why are we talking about the conquest of Cuba? Perhaps some gentlemen may say that they are not in favor of a war; why, then, are we—the representatives of this nation—sending abroad to the world an expression of

the legislative branch of this Government, that we are in favor of taking possession of territory to which we admit we have no right, and to the acquisition of which we have not the shadow of a pretext? I ask you, Mr. Chairman, if that is a portion of the present Democratic creed? Are we in a state of war with Spain? No, sir. On the contrary, we are at peace, and professing the most amicable relations toward that Government. How, then, are we to have an opportunity of accomplishing what it is said upon this floor the people of this country are in favor of? Are we to hatch up some pretext for a disturbance with that country? Why, it would seem to look like it. And, sir, what effect would such a state of things have upon our national character, but to dishonor it in the opinion of all christendom? I stand here, as one of the Representatives of this House, of this nation, and especially of the State from whence I come, to protest against all such doctrines. I tell you, sir,—and in doing so, I would wish to send it abroad throughout the length and breadth of this and other lands,—that these are not the sentiments of the people of this country. They never have been the sentiments of our people, and I trust they never will.

We hear it said in high places that we are to acquire all this territory—that we are to aggrandize ourselves by the acquisition of that which does not now belong to us, and of which there is no possible evidence that we have any right to assume to claim. Why, they say it is our destiny as a nation—*our manifest destiny!* Why, sir, I have heard of spiritual rappers, and I believe they affect to reveal destiny; but I would like to know if, at this day, we are to risk the future policy of this Government upon the pretended revelations of this class of impostors? If not, shall we sanction these schemes of unlimited annexation of territory, under the plea of "destiny," which have at least as sandy a foundation as those taught by the delusions of the class just referred to? I hope not, sir. But, Mr. Chairman, if we were to pursue and adopt this policy which is suggested as our interest and as our *manifest destiny*—if we were to assume that we were to become the possessors of Cuba, would it not be well to cast about us before we settled down upon the fact that such is our manifest destiny as a nation, and ascertain how we are going to acquire it? Are we to acquire that island by conquest or by treaty, or other peaceful arrangements? The consideration of these questions requires us to look at the policy the Government must adopt to accomplish the proposed object by either means.

The first is, is it the interest or the duty of this nation to pursue the course of policy recommended by and carried out in the administration of Washington, and the fathers of this country, and continued from the organization of this Government down to the present time; or are we to change that course of policy which has rendered us so prosperous as a nation, and launch our boat upon the wide and boundless ocean of annexation and conquest? We must adopt one or the other. Why, sir, what, in former times, was considered the republican, the democratic, the national doctrines and interests of this country? Was a peaceful administration of the Government repudiated? Were colonial possessions sought? Were entangling alliances with any nations recommended as the policy beneficial to the Republic? No, sir. The opposite policy was inculcated, and practically carried out by the framers of the Government; and in the pursuit of that policy, this nation has grown to be what it is, where every citizen is proud to be known as an American citizen, wherever he may be found. In whatever quarter of the world he may be, those stars and stripes, with their ample folds, protect him, and secure to him his rights. I say the advocates of this new doctrine must adopt one of these two courses of policy. If they are in favor of abandoning the policy of Washington, and of changing the entire policy of the country, and seek by conquest the extension of our territorial limits, and as a consequence withholding the necessary protection and promotion of the interests of our people at home, who have the first claims upon our Government and its sympathies, and who are already under our control,—if they are prepared to say they are in favor of changing the policy, and abandoning the doctrines of Washington and Jefferson, and Madison and Monroe, Adams and Jackson, I trust they will be willing to abandon also all claim to the name they have so proudly heretofore sought to be known by, whether it be Whig or of the old line Democrat.

Again, I would request of those persons who advocate this new policy, to look a little at the results and effects of that policy. Will Cuba be acquired and annexed, and form a part of this Government, without a war? No, sir; the correspondence between the Ministers of France, England, and the Government of the United States has already settled that. Suppose, then, that there were an attempt to acquire it by a war, that war would not be terminated in a month nor a year, when this Government shall be involved with Spain and two of the most powerful nations upon the European continent in such a war. And those Governments have already informed us, through their authorized agents, that they will never consent to the relinquishment or control and government of that island to or by any other nation than Spain. Suppose, however, that all could be accomplished which those visionary gentlemen imagine, would it be the true policy of this Government to acquire this island either by conquest or by peaceful negotiation?

To answer this question I need only refer you, sir, to those who live nearest, to those who appear to be the best informed, and residing in the southern States, to candid men, who say that they consider that the acquisition of Cuba, whether peaceably or by conquest, would be an injury and a curse to this Government. Have they not reason to suppose so? Would Cuba come into this Union as a slave State, or as a non-slaveholding State? And that, sir, brings up the great question, the agitation of which has heretofore endangered the perpetuity of this Union, as we have been told, and which we have no reason to doubt, considering the authority from which it comes, and considering the evidence which we have all around us. We cannot shut our eyes, nor can we close our ears to the evidence on all hands which convinces us that the reagitation of similar questions must shake the nation to its center.

Why, sir, there is hardly any one who contemplates the subject, who looks at the latitude and location of that island, who knows the character of its inhabitants and their capacity, that would doubt for a moment, if it comes into this Union, that it would be a slaveholding territory, although it is urged here by many that we should acquire Cuba and seek to bring it under the control of this Government, because by that means we would have the power and the means of abolishing the slave trade.

That may answer as an excuse for some, with which to satisfy a portion of their constituents. But when I hear it urged by my honorable friend from North Carolina [Mr. VENABLE] as an argument to the South that they should go against the acquisition of Cuba, because, if that island should be acquired by the United States, the slave trade would be entirely abolished, and as a consequence, the means which they now have of keeping up their proportion of slave labor would cease, and slavery eventually be extinguished; and when I hear a directly opposite reason urged from honorable gentlemen from other portions of the country, I may well hold a doubt of the soundness of those suppositions or arguments, that if Cuba should be admitted, it would either be a free State or secure the abolition of the slave trade.

Mr. Chairman, I would not pretend to say but what the time may come when it may be necessary for this country to hold Cuba; and not only Cuba, but other islands of the ocean, and other countries. I do not know why we should have our attention so exclusively turned to the Island of Cuba. Why, sir, what is there in that island that should absorb our whole attention? If we could have her peaceably, and at our own option, and take her to-day, would it be a blessing to us? I think not. I am bold to declare that I believe that if we could have Cuba without war, with all the advantages and disadvantages to this Government, it would be a curse—an injury, and prejudicial to our institutions.

But, sir, I wish to read the opinions of a southern man, the editor of the Charleston Mercury, as described in his own language, of his opposition to the acquisition of Cuba, even if it could be acquired peaceably. His language is as follows:

"Besides, in what condition would Cuba be to justify her admission into the Union? There is a white population, native to the island, or permanently settled, amounting to near six hundred thousand, (double that of the white population of South Carolina, in a territory little larger than our State,) not one of whom ever exercised a political franchise, or ever took a share in public affairs, other than to submit to the power and shout around the chariot wheels of established authority. We propose to drive out all those who have ever held rule; and of those who have heretofore only had experience of unquestioning submission, we propose to make a democratic republic, and this in the face of two hundred thousand free blacks, and four hundred thousand slaves, freshly imported from Africa. Among all the recent abortive attempts at free governments in Europe, was there a single one commenced under such desperate auspices as this? Is it not absolutely certain that to preserve order in such a community, an army would be necessary? And where there was an army for the purpose of domestic peace and civil rule, could there be a State? Would we admit into the Union a State which had no power of self government, but was in the hands of the United States Army and Navy?"

Here, Mr. Chairman, is the opinion of a southern man, who is well acquainted with the character, the condition, the habits, and the feelings of that people. He says that they are unfit to be attached to this Government, and that those who lay any claims to intelligence and information, are of that class who would be banished from the island, whenever it changed its government.

It is now proposed by the advocates of that measure, that we shall take that class of population, and make them a part and parcel of this country—a class of people worse than slaves, more vicious and less informed—and that is claimed by some to be democratic doctrine. What, attach a class of people, that so far as they have any knowledge, are antagonistic in their principles, their prejudices, and their feelings, to every principle of this republican Government! They come in as copartners! That, sir, may be the democracy of the present day, but it was not the doctrine of our forefathers.

But, sir, there is a country and there is a people competent for self-government, that are prepared to take upon themselves the responsibilities of freemen, and which we may find for our interest to receive among us—I mean peaceably—and allow them to become a part and parcel of this country, and I care not how soon. I refer, Mr. Chairman, to the whole British possessions upon the north, containing an area of two millions two hundred and fifty-two thousand three hundred and ninety-five square miles. There is something worth looking at. here are two millions six hundred and fifty-two thousand of people, bone, as it were, of our bone, flesh of our flesh, deriving their origin from the same Anglo-Saxon source, a large class of them disciplined in that school which is calculated to train them up as independent freemen, and all anxious and ready to come into the possession of the enjoyment of those great principles which we are now enjoying. I say it may be for our advantage to acquire that country and that people, if we can peaceably. They are near three millions, scattered over a large territory, sufficient in extent to make several States, and possessing as healthy a climate, and a large part of it as rich a soil as any in the world. Then, sir, by the accomplishment of that matter, and the attaching it as a part of this Union, you banish all the vast expense of maintaining fortifications upon your northern borders, and save the millions of dollars now thrown away in keeping up your custom-houses upon the borders of the North; you give to yourself the free navigation of that mighty stream of the North, the St. Lawrence. You give to yourself the sole control and command of that channel, and of that bay at its mouth, with the great chain of lakes or inland seas which nature has formed for a ready and direct communication and navigation for the commerce of this northern territory to the ocean; and you welcome near three millions of people, who are like brethren, into this family, to form a part and parcel of this Republic, thereby adding strength and vigor to the body-politic.

Here, sir, is something worth turning the attention of this nation to. Great Britain can have no object in holding the rule over these northern colonies, except national pride.

Meet this question fairly frankly, and say to

them, we are not going to war with you for this territory and these people; you have rights to all these. Would not the interests of these great nations be promoted and benefited by your withdrawing all claim to them, or over the territory, and permit these colonies, if they choose, to become a part and parcel of this Government, and link their destinies with this nation?

By the annexation of this territory on the north you would increase your navigation and commercial interest, and the value of every foot of soil in that country fourfold. It is a fact known to those who reside on our northern frontier, that land within Canada of the same quality as land within the United States, separated only by a line of the nature of the one which divides our townships, is only worth about one quarter as much as the land within the United States; and what portion of this Union has a greater interest in the accomplishment of that object than the States of Ohio, Indiana, Illinois, Michigan, Vermont, Maine, New Hampshire, Pennsylvania, and New York? Consider for a moment those great lakes to the north, inland seas, surrounded by territory under the control of our own Government, instead of the limit of a midway channel. The accomplishment of that object peacefully will strengthen this Union, and add to its power and influence. The annexation of that territory to this Union (to use terms of gentlemen) *Destiny* has ordained, and it will ere long take place.

Mr. Chairman, I hope the time will not arrive when it may become necessary for this nation to engage in a war for the acquisition or possession of Cuba, or any other island or territory, for the purpose of preserving and protecting our maritime interests or national rights. But, should that time ever come, whether brought about by European diplomacy or aggression upon our rights by any Power, whether upon this or other continents, I am free to declare that I should wish this Government to act under the circumstances as our national interests and honor should require; and if necessary to preserve these to acquire more territory—Cuba or other territory south or north, without regard to any local interests—I would say as an American citizen, let it be done. But now we are at profound peace with all the nations of the world, and have no cause to quarrel about the possession of Cuba, or any other territory. I am opposed to the agitation of this question at the present time, because I believe it will be a renewal of those exciting scenes witnessed within the past few years. I am well satisfied that no Union man, and especially no man who has felt that he was the advocate of those compromise measures which, it was said, were calculated to preserve the Union, can be in favor of the agitation of questions that will result in bringing about the sectional feeling that existed at the passage of those measures. The annexation, or the attempt to annex Cuba, must inevitably bring up those questions which were pending during the Congress preceding this one, and which were then intended to be settled by the series of measures called the compromise. It will not do to say or imagine that those questions will not arise again under similar circumstances.

I hold that it is the duty of every citizen of our Government, when he sees danger in the advocacy or bringing forward of a particular measure, to point it out at the earliest possible time; and I would, therefore, warn these people, and especially the advocates of the annexation of Cuba, that there is danger in the bringing forward of such a measure before the public mind of this country; for so soon as it is, the exciting question of slavery will be introduced. The slave population of the United States, at this time, have a representation upon this floor equal to that of the States of New Hampshire, Vermont, Rhode Island, Connecticut, Iowa, Wisconsin, and California; or equal to that of Indiana and Illinois; or equal to the entire representation of the State of Ohio. And the annexation of Cuba would add to the slave representation in Congress equal to four additional members.

Now, however much we may desire—and I claim to be one of those who desire that the laws of Congress shall be faithfully administered and executed, affording equal protection to the rights of citizens of one State, as well as to those of another—that the southern States, their citizens and their property, under their local institutions, as guarantied to them by the Constitution and laws of this country, shall enjoy equal protection with those of the North; still, I say to the advocates of this measure, whether from the North or South, East or West, that the people of the free States never will consent to the addition of slaveholding territory, simply for securing the balance of power or the extension of territory. While they desire to protect their southern brethren in all of their rights, they will oppose the increase of slavery. And why? Because they believe that by becoming responsible as the guardians of additional slave territory, they will act in opposition to the spirit of the Constitution, to the interest of the nation, to the progress of the age, and contrary to their own convictions of duty, and the injunctions of God Almighty. My friend from Georgia, [Mr. STEPHENS,] asks whether they did not agree to let Texas in? Surely they did; and why? I trust they were governed by such motives as I would always ascribe to my friend from Georgia. They were not governed by their own desires, but were willing to yield something for the purpose of compromising difficulties, and preserving the rights of all parties.

Mr. STEPHENS, of Georgia. If similar questions were hereafter to arise, would they not display the same compromising and national spirit?

Mr. BELL. I will endeavor to answer the gentleman's question. He asks me, because we have been liberal, and gone almost beyond the bounds of patriotism—because we have heretofore compromised our prejudices and feelings for the purpose of maintaining the integrity and good feeling of this country, that we shall do the like again. I am not prepared to say what I would not do to preserve this Union, but I would avoid testing the local prejudices of the different sections of this country. When you see breakers ahead, keep the craft near the shore. That is the policy we adopt as individuals, and which we should carry out as a nation. Whenever the question of the annexation of Cuba arises, it will not come alone: it will be accompanied by the question of the annexation of the vast territory to the north, and it may be that the equipoise of additions of territory will do away with apprehended danger. But, sir, I would avoid the alternative of making the experiment.

Mr. Chairman, my honorable friend from Georgia on a former occasion, if I understood him correctly, to quiet the fears that some honorable members might have as to the danger to be apprehended from the annexation of Cuba, said that the principle settled in the compromise act would apply and extend to the acquisition of other territory than that Congress was then acting upon. I enter my protest against any such construction. Nothing was settled by that act but what had reference to the territory then acquired.

Mr. STEPHENS. While I stated that the settlement covered only the territory, yet the principle out of which this controversy grew was settled, and it was that this Government should never interfere at all with the domestic institutions of a foreign State, within a Territory or a State, leaving it for the people in the Territory to manage them as they pleased. That was the principle settled in the compromise; and by adherence to this principle, it will be utterly impossible for a controversy to arise.

Mr. BELL. I understand the gentleman now as I did before. I did not aim to misrepresent him. But where does he get his authority for that assumption, that the Congress preceding this was more wise, patriotic, and had more enlarged views, or were more devoted and attached to this Government and its institutions, than that Congress which framed, adopted, and established the ordinance of 1787, for governing the territory northwest of the river Ohio? Let the fruits of that ordinance speak. Let that mighty Northwest, with its teeming millions of population and its wonderful improvements, speak as to the result and the benefits of that ordinance. There we have an evidence of the fruits and benefits of the wisdom of that ordinance, which said that no slave should live northwest of the Ohio river.

Mr. STEPHENS. That ordinance was not passed by Congress since this Constitution was framed. Not at all. Since the beginning of this Government the great principle in controversy between the North and South was never settled until 1850. The gentleman asks where I got the authority that it was settled. I got it in the act making a Territorial Government in Utah and New Mexico, in which it is expressly declared that the people of these Territories, when they desire to come into the Union, can come in with or without slavery, as they please. As I stated before, it was the first time since the formation of this Government when that principle has been placed upon the records of the Congress of the United States.

Mr. BELL. I repeat, again, that the settlement of that question was a settlement of the then pending questions only, and which will go to the credit of those men who sacrificed their personal predilections for the purpose of compromise. I say that the settlement, as to the organization of these Territories, by its language and by its terms and spirit, was only intended for the present time, and fixing the rights of the people of those Territories as prescribed and limited by the acts adopted. The very meaning of compromise is that a controversy is not settled upon generally recognized principles, but that there is a meeting half way of conflicting views and opinions for the purpose of terminating some particular question. But the gentleman said that the ordinance of 1787 was not passed after the adoption of the Constitution. Does that deteriorate from the wisdom, foresight, and principles of that Congress as recognized by the fathers of this Government? No! They were fresh from Congress Hall—the hall of independence, breathing as it were the spirit of liberty; and millions of human beings will hereafter, as they have before, bless that Congress for laying down the landmarks that forbid slavery within this territory.

But, sir, what says the third and fourth sections of the fourth article of that Constitution that my honorable friend has referred to?

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guaranty to every State in this Union a republican form of Government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Then, sir, according to my construction of that instrument, Congress has full power over her territory to *prohibit* slavery or not, as the wisdom of that body may determine, and that right has never been changed or taken away by the action of Congress or the people, by any change in our organic law.

I have already addressed the committee longer than I intended. When I heard the remarks of my friend from Georgia, [Mr. STEPHENS,] of the gentleman from Oregon, [Mr. LANE,] and the gentleman from California, [Mr. MARSHALL,] I only had it in view to rise and enter my protest, as one of the members of this House, against their construction of that compromise.

Mr. STEPHENS. Perhaps the gentleman was never a friend to it.

Mr. BELL. My honorable friend from Georgia knows that I had not the honor of a seat in this House at that time. Had I been a member here at the time—for I have nothing to conceal, and those who know me here will give me that credit, at least—I should not have voted for all of those measures known as the compromise acts.

Mr. STEPHENS. That is what I expected.

Mr. BELL. There is nothing new about that. But, sir, if the question was now pending whether that law, which was considered the most objectionable, should now be repealed, I should say no. As I have said to my constituents, give us peace, give us quiet, although there are some things in that act which I believe wrong, and contrary to principles of justice. But I would forego those objections, and I would not agitate the subject. I would not now repeal the act, but give it a fair trial.

Mr. STEPHENS. What are those great principles?

Mr. BELL. I have not time to answer my friend. They will show for themselves. When I said I have nothing to conceal, is it because the compromise acts appear to have become popular, and I could easily fall in with the popular cry. No; I will do what I believe to be right if I stand alone; and when I say I would not agitate it, but let it remain for the present, this opinion may run counter to the views of many of my constituents. But I tell you the views of the great mass of my constituents, and of the people generally in my State, are, let it alone until it has a fair trial. What I desire now is, that those who claim to be such warm friends of the compromise, as well as those who opposed them, shall, by the influence of their votes and voices, prevent the agitation of similar questions, which gave rise to so much excitement and recrimination of feeling.

Mr. Chairman, there are some other questions that have been discussed before this committee that I should like to say something about, but my time has nearly expired, and I can only refer to them briefly. I regret, sir, that some of the opponents of the measure proposing to confer the title of *lieutenant general* upon General Scott, have deemed it necessary in their opposition to attack or consider the private character of that *old veteran hero*. For it is hard to entirely separate, in this country, the public and private character of our citizens and officers; and the history and public character and services of General Scott, for the last forty years, have become a part and parcel of the history of this Government. His services and sacrifices are known to the people of this country, and the more they are canvassed and examined, the higher will they be appreciated by his countrymen. Although he has been defeated for the high civil office for which his political friends had placed him in nomination, yet there has been instances before of *temporary* defeat being the *harbinger of final success*.

Some honorable members have given vent to their indignation before the committee in attacks upon the present Administration, as well as General Taylor's, in regard to our foreign relations. But, when the official papers are brought forward, it appears that all the charges they prefer against General Taylor or President Fillmore's administration, if they have any foundation at all, are applicable only and apply to their own friends and their own party, and that the present, as well as General Taylor's Cabinet, have, with master wisdom, maintained our interests and foreign relations with a watchful care and truly American spirit. But why, sir,—since the elections are over, and there is now no longer any political capital to be made,—why all these unfounded charges, and of a character that should only be expected preceding a great political campaign for political effect? I will tell you.

The triumphant party in the last political struggle, now made up of not only the Democratic party proper, but of all the discordant elements in professed political creeds in the country,—brought together upon the celebrated Baltimore platform, and in which each section claims a plank, and brought upon that platform by the cohesive power of the love of office, and not by any great principle that they held in common,—this new party are about to take upon themselves the entire responsibility of the administration of this Government, executive as well as legislative, the latter of which they already have. This party of the last canvass, having advocated as many different political doctrines as there are different sections or localities of the country, know well that all of their different and antagonistic political theories cannot be adopted and carried out by the incoming Administration. Hence the necessity of getting up new issues and talking about any and everything, but especially to make some charge against the Administration, to turn the attention of the people from the acts of the Democratic party, or in other words, the Pierce party, until after there should be a division of the spoils, and prevent a disruption of their party. Such a game, however, will not take this time. I would just say to our Democratic friends on the other side of the House, employing the terms used by some, that "destiny" has settled the question that their party is to be divided and broken up about as soon as it was formed, and before half of four years shall roll around.

Mr. Chairman, some honorable members upon the other side of the House have spoken about the defeat and disbanding of the Whig party. It is true, sir, we have been defeated, but *not conquered*. No person is deserving the name of Whig, unless he can bear defeat in defending his principles. I believe it to be the duty of the Whigs, as well as every other citizen, to sustain an Administration, whether of our friends or opponents, in all measures we think are calculated to promote the interest of our common country; as well as to oppose all that we believe prejudicial. The Whig party dead? No, sir—No, sir! As long as the principles of Washington and our revolutionary sires are revered and esteemed—as long as our republican form of Government shall last—the Whig party will continue to exist, to support and maintain those principles—sustain and support the Republic and our glorious institutions.

LIEUTENANT GENERAL, &c.

SPEECH OF HON. C. SKELTON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 10, 1853.

The House being in Committee of the Whole on the state of the Union on the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1854—

Mr. SKELTON said:

Mr. CHAIRMAN: I propose, upon this occasion, to avail myself of the latitude usually allowed in this committee, for the discussion of subjects not immediately under consideration. My apology for thus departing from what I conceive to be the correct rule with regard to the business of this House is, that the propositions which I design to discuss on this occasion are about to be thrust before this House without an opportunity of discussing them when they are presented. I am, therefore, placed in this position, that I have either to avail myself of the latitude allowed in Committee of the Whole on the state of the Union, or to forego entirely an expression of sentiment upon questions which I believe to be of vital importance to the best interests of my country.

Sir, we have for some days past had a proposition pending before this House, by a motion for a suspension of the rules, to introduce a bill from the Senate, which has passed that body by a large majority, granting the title of lieutenant general to General Scott. I propose, sir, if my time will admit of it, briefly to glance at that proposition, and one or two other propositions now pending before the Senate, and which are likely to be presented to this House before the close of the present session—propositions which stand connected together, embracing one general principle of policy, and tending to and aiming at the same end. I speak of the bill granting the title of lieutenant general, of the bill pending in the Senate creating a retired list in our Army and Navy, and of another proposition which has been recently introduced into the Senate to increase the salaries of our foreign ministers. One or all of these propositions, I propose very briefly to discuss—all of them if my time will permit.

Mr. Chairman, in discussing the proposition to grant the title of lieutenant general to General Scott—for it is understood that the office or the honor will be conferred upon him if the bill shall pass this House—I do not propose to enter into any consideration of the merits or demerits of General Scott as a military commander. A question in regard to the merits or demerits of General Scott is not one that I believe would be appropriate to this House at the present time. General Scott is an American general, known to the American people. He is an individual to whose reputation the future historian of our country will do justice, and, for that reason, whatever remarks I may make will not be considered as personal to General Scott, either asserting or denying his merits or demerits. I object to this proposition as a precedent—as a great leading measure in the policy of this great American Republic. The only argument that I have heard urged here in favor of granting this honor to General Scott is, that all the other American generals who were engaged in the late war with Mexico have been rewarded by higher titles, and that he alone has not received any higher title or honor from the American Government. Well, sir, just look at that proposition, and see where it will lead you to. General Scott has heretofore received the highest military title that is known to the laws of the United States. Why, sir, with the same propriety you might urge the granting of a higher title to a faithful President. When a man is elected to the Presidency of the United States, he has attained the top of the ladder; and if you desire to create new titles and honors for the reward of eminent services, you will be compelled to add to the title of President that of Emperor. Our republican institutions, sir, know no titles of honor. We give names to our military officers because names are necessary; hence, we call General Scott major general. He has now the highest military position that can be conferred upon him by the American people—that of Commander-in-Chief of the American forces.

But, asked a gentleman upon this floor, the other day, if you do not confer additional titles and honors, and do justice to our military commanders, will our military commanders fight the battles of our country? I ask that gentleman if General Scott has been fighting for the title of lieutenant general? Would General Scott have fought the battles of his country better if he had been sure that title would have been conferred upon him? Is it for empty titles that our generals fight? Sir, if so, the sooner we get rid of them as a class the better. They are not republicans if they fight for titles of distinction, for empty titles and honors. The American nation knows no honorary titles. We abhor them as anti-democratic, and in contravention with our republican institutions.

Sir, is it necessary that this title should be created at the present time, to improve and to benefit the military service of our country? If it was—if a useful purpose to the interests of the country could be accomplished by it, I should be willing to entertain the proposition and to consider it. But, sir, we are in a state of profound peace. General Scott has all the power as commander-in-chief that can be conferred upon him even with higher titles and honors. Hence, the proposition, stripped and presented in its true aspect, is one simply to flatter the vanity of a man who is now at the head of the American Army. Sir, it is beneath the American nation to flatter the vanity of any man. Render to every man the meed of just praise for his deeds of daring and bravery, but withhold that which creates vanity and elevates a man above his true position and his country.

But, sir, this proposition embraces a very important political principle. Our country is but in its infancy. Our republican institutions and our Government, although we possess immense power and resources, are yet in their forming stage. Shall we as an American people be true to our principles of integrity, humility, honesty and republicanism; or shall we go abroad to the rotten nations of the Old World and take pattern after the monarchies of Europe that have for ages oppressed and crushed the laboring masses of the nations? This is the question presented to the American people: Shall we administer our Government with simplicity and economy—giving to every man a just meed of praise, and empty titles to none; or shall we go on worshipping military glory and military heroism, and departing from the straightforward, upright path of republican simplicity? Why, sir, who will hesitate a moment to condemn these things? How have we got them? From whence have we obtained them? The gentleman from Alabama [Mr. SMITH] gave us a succinct history of the life and services of the great English general, the Duke of Wellington, showing with what rapidity the British Government heaped titles and honors upon him, and not only titles and honors, but emoluments and wealth sufficient to have broken the back of any man save General Scott or Lord Wellington.

Sir, the British Government piled upon Wellington an immense revenue, drawn from the hard earnings of the laboring masses of England, to fatten and pamper him in luxury and idleness. Now, sir, shall we follow in the footsteps of these

our illustrious predecessors, or shall we mark out for ourselves a path of American republicanism—a path in which we have no honorary distinctions of this kind?

Why, sir, what was the notion of our forefathers who framed our glorious Constitution, upon this subject? We find a clause in that Constitution to this effect: "No titles of nobility shall be granted by the United States." What means this? Why did our forefathers thus frame the Constitution of our glorious Union? Was it right? Yes, sir, it is one of the wisest provisions, in my opinion, of that most memorable instrument which the history of the world has ever seen. Sir, we should adhere to the native simplicity of that instrument. General Scott is commander-in-chief of the American forces. Millard Fillmore is President of the United States. We know Millard Fillmore only by the title of President of the United States. Why not call Millard Fillmore "lieutenant President of the United States," or "lord lieutenant President of the United States," or "lord lieutenant of the United States," or, if it will flatter your vanity still more, why not call him "Emperor" of this great and mighty empire? Why should we not do all these things? Simply for this reason: that it is in contravention of republican institutions, and that its tendency is to overthrow and destroy liberty.

Why, sir, this proposition not only confers an empty title at the present time, but it places our military force in such a position that in future it will be attended with future additional expenditures of the people's hard earnings. That is another objection which I have to it. Will any gentleman here contend that the organization of the American Army would be promoted by such a title? Is there any gentleman upon this floor who will contend that it is necessary in order to establish discipline and command the obedience of the American forces? No, sir. The organization of the Army would not be at all improved by it, and hence we are only being guilty of the folly of creating an empty title and increasing the expenditure of the people's money.

These pensions and titles, in my opinion, are destructive of the liberties of any nation. They have, it is true, to a certain extent, been granted by this Government. We are now in the early history of this Government, but we are nevertheless tending to the same path which has been traveled by the monarchies of Europe. Look at the pensioned nobility of those countries. Look at the pension lists that are now loading down the productive energies of the great mass of the laborers of Europe. Look at the people of the French nation especially—worshiping military glory and casting their liberties from them—throwing their republican form of government from them, merely for the sake of having a nephew of their great military lord reign over them. And are we not tending in the same way? Are these propositions not of the same stamp? May they not be placed in the same political category? We are traveling in the same path, and I ask the American Congress to pause before they take another step in this downward course. What, sir, does any sensible man want with honorary titles—these empty baubles? Do they add anything to his fame as a hero, a statesman, or a patriot? Cannot the American people judge of a man by his merits without his titles? If they cannot, then titles are pernicious; and if they can, then they are useless, and should not be conferred. We are too apt to be dazzled with the blaze of military glory.

There is something attractive in the fact of a man going on to the battle-field, and exposing himself to the deadly shot of the cannon and musket; there is something terrific in the thought of a man meeting man with the steel, in deadly conflict, to shed each other's blood. It is a manifestation of bravery and daring which attracts and dazzles; but look at it—look at it stript of the charm which is thus thrown around it, and what do you see? Is the military the only field where bravery may be manifested? Is that the only place where true courage can be displayed? No, sir; the martial music, the shouts of triumph, and the approbation of the country which always follow a successful campaign, stimulate a man on to the battle-field. The disapprobation of his comrades, when he shrinks from fighting bravely, and many considerations of this sort, inspire in him a sort of artificial courage, when true courage may be absent.

But if I want to find a truly brave man, I will go—not to the battle-field, where there are so many witnesses, and where a man is sure to meet with the plaudits of a mighty nation—where his deeds are sure to meet the approbation of his fellow-citizens throughout the land;—I would go where I have seen men go, to the place where the "pestilence wasteth at noonday"—where contagious disease rages through families, and even throughout whole countries. Let a man go there, and let him, unobserved, save by the victim who falls in silence—struck down by the dread destroyer—let him expose his life there, day after day, and night after night, without any of his companions to stimulate his courage to bravery, and without the incentive of a hope of glory as a reward, and there you will find true bravery. There is a bravery which is not artificial—which is not excited by the shouts of the multitude, but prompted by the inward workings of a courageous heart—and by the feelings of humanity. But, sir, do such men receive the titles, honors, and distinctions of our country? No, sir, I have seen such men go down to their grave in neglect and want; their bravery and usefulness forgotten, save by those who have shared in the benefits of their kind offices.

It is these considerations which make me object to this principle of making military glory the only passport to position in society. There are other positions where men manifest their bravery. Look at the poor mechanic, who supports his family, depending upon him for subsistence, toiling on, day after day, and night after night, draining his very heart's blood for the purpose of supporting those by whom he is surrounded—refusing and rejecting the temptations to dishonesty to satisfy the wants of his starving children. There, there, sir, is true bravery. I have seen the mechanic, year after year, toil on; I have told them myself, "You are sinking prematurely to your graves." "No matter," was the reply, "the only question which presents itself is, Shall I sacrifice my life to educate and support my family, or shall I dastardly shrink from a duty which is by nature imposed upon me?" and I have seen them sink.

Now, what do you propose to do? To overlook all the merits of all the civilians, laborers, and statesmen—to overlook all these, and all others, and to recognize only one class of persons in the American nation, as deserving the honors and distinctions to be bestowed by the American people; and that one class—the soldiery. What would you think of Benjamin Franklin, or George Washington, appearing before the American Congress, and asking for a title? What would you think of it? What did you think of Washington, when the title of King was offered him by the American Army? And what did he say upon that occasion? He spoke like a true and honest man. He spoke like a sensible man and true republican. "No, sir," said he; "you purchased your liberties by a contest of seven years, the most frightful that ever man went through. You have now attained your liberties, and you are about to do—what? You are about to destroy them for the purpose of conferring upon me the title of King Washington." He knew full well that the simple title of George Washington would descend down through the historic pages of time, and be more honored, more venerated, and more elevated than any emperor, king, or monarch, on whom the sun has ever shone. It is his. It is his alone. It belongs to America. It belongs to the Father of his Country. The titles of emperor, king, and monarch, have been conferred upon thousands, but that title which signifies so much in that great man is simply George Washington.

Now, will General Scott be satisfied with the title of Winfield Scott? Has he ennobled that name? Has he elevated the title of Winfield Scott to a position in the history of his country, that will be significant of deeds of daring and bravery? Then he should be satisfied with the name of Winfield Scott. It is his alone, and cannot be asserted by any other man after him, nor can it be asserted by any man who has preceded him. Why, sir, when we propose to confer this title upon George Washington, Benjamin Franklin, and a host of others, it shows up the whole thing in its naked deformity, and becomes too ridiculous to be discussed by the American Congress. If it had not been that the proposition has not been really entertained, and has been really asked—and when I say it, I feel my cheek tingle with shame—has been voted by the American Senate—I could not have believed that that august body would have stooped to such consummate folly as to confer an empty title upon a military hero. Let those who aspire to distinctions and honors endeavor to merit them, and let them be satisfied with the praise which will ever be conferred by a grateful American people.

So much, then, for the first part of my subject, which I proposed to discuss at the commencement of this rambling discourse.

Following upon the heels of this proposition comes another of similar import, marking out the future course of our country in regard to those matters of war. It is one which more eminently than the one I have just noticed, marks the downward tendency of this Government. It is to select from the Army and Navy a number of officers to be pensioned by the Government during the remainder of their lives, out of the hard earnings of the American people. Look at the proposition. There it stands. A petty aristocracy, set apart from the great mass of the American people to consume the hard earnings of the laborious multitude. Will the people of the country ever tolerate such a proposition? I admit that there is one merit in this proposition, and only one that I can see. But I think I can propose a remedy for the evil which would be far better than that provided in this proposition. It has been, I believe, universally admitted upon the floor of this House and upon the floor of the Senate, that we have a large number of American officers now in the Army and Navy who are entirely useless in service and absolutely an incumbrance to the officers in the Army. I say this has been universally admitted. It is notorious to everybody that there are a large number of officers upon the retired list who are receiving their half-pay, in order to be ready to go forth to command the soldiers in our Army if the exigencies of the country should ever require it. But these men, as I said before, are unfit for command; many of them made so by their indolent habits; many by their habits of licentiousness, and many by their habits of drunkenness. They are neither fit to command in the Army, nor are they fit to command a national vessel upon the high seas.

Now I admit that some proposition should be brought forward by which the American people should be rid of these officers—these burdens upon them—those festering sores upon the Army, for all purposes of national defense. But shall we pension men who have disqualified themselves for the discharge of their duties? Shall we retain them in the public service for their lifetime, because they have made themselves drunkards, and thereby rendered themselves unfit for the discharge of their duties?

Why, sir, what do we do in the other portions of our public service? Do we employ men here upon the extension of this Capitol at seventy-five cents a day, and when the appropriations run out, place them upon half pay, in order to keep them for whatever may spring up? You have refused to make an appropriation to keep them at work, much less to give them half pay. Why is this? Is it because the sympathies—and I say it with regret—of the American Congress are in favor of the officers and grandees of the nation, and not in favor of the working classes? We have not been able to wake up a single spark of sympathy for the poor toiling laborer, who gets not one half enough to supply his natural wants when employed.

Why, the men who draw out from the Treasury thousands upon thousands annually, when they become disabled, and unfit, from drunkenness and licentiousness, to discharge their public duties, what then? Why, provide a retired list, and set themselves up as an aristocratic class over the heads of the laboring mass of the American nation. Out upon such democracy! Out upon such republicanism! If this is to be the future path of our nation; if this is to be the future policy of our

country, I proclaim here to-day, that the choice between republicanism and monarchy is not worth the choosing. If we are to be cursed by an idle, licentious nobility, and robbed for the purpose of fitting them for that position, it will be no better for the American nation than if we had a king to rule over us.

It is for this reason that I have considered it my duty, when these measures are presented to the American Congress, to express not only to that Congress, but to the nation, and particularly to the district which I wish to represent honestly, what is going on in the American Congress, and what I believe will be the effect of this disastrous and criminal course of procedure. Why, sir, I know something about them, because I have the honor of appointing a gentleman to a seat in the Military Academy at West Point, and I happen to know that a great many of the people of my district were anxious to get their sons into that establishment, and consider it a very great favor to get a son educated at the national expense, who, when he graduates, comes out an officer.

But, sir, I took one from the mechanic's bench, and placed him in that institution, and I hope he will reflect honor and credit upon himself and his country some day or other. But when he comes out, he will receive better pay than he could have realized as a mechanic. He will be able to lay by more money than he would be able to do, were he to continue a mechanic, and yet not be compelled to work half as hard. And in addition to that, sir, he is placed in a higher circle of society, by the false notions—which I regret to say, prevail in this American Republic—that an officer is more respectable than a mechanic. I say by the false notions of society he is placed in a higher social circle, and paid better wages; and then, sir, if he disqualifies himself by drunkenness or idleness or any other means, for performing the duties assigned to him by the nation, shall we place him, after educating him, after having paid him well for his services, after he has squandered his income, which ought to have given him a competency in his old age,—shall we then pension him upon the American people, in a class of noblemen, educated for the American Army? No, sir. Out upon such republicanism! Out upon such injustice! It is downright robbery of the American people, to speak in plain English.

But, sir, are these the men we are to depend upon for the defense of our liberties? Are these the men that are to defend our territory from foreign invasion? No, sir, these are not the men.

Suppose to-morrow war is declared by any foreign Power, and where will the United States Government look for the defenders of our liberties and honor? Why, sir, they will look to the farmers and to the mechanics' workshops. They will look to those classes of American citizens, and those will be the men who will be compelled to fight our battles, and defend our liberties; and allow me to say, sir, that these are the only classes of men upon whom we can rely on such occasions.

What are standing armies? What is this military nobility? Look at the history of the world. They have always been ready to sell their country's liberties to the highest bidder; but not so with the great mass of the American people, who all have a common stock in that liberty. We all fight for ourselves when we fight for our country, and we will refuse to sell our country's liberty, because we sell our own therewith. But not so with the professional soldier.

Sir, the policy I would pursue, and have the Government pursue, would be to detract from no man's real merits. Reward merit wherever you find it. Judge a man by his deeds and leave empty titles to kings, fools, and knaves, and not insult a free independent nation like this by conferring these empty symbols upon the American people.

Our Government was established for the advancement, the prosperity, and the happiness of the people. It was not established for the benefit of a ruling military dynasty, nor for a military nobility, nor do we want to convert our happy Republic into a military Republic, to cut the throats of our neighbors, and to destroy the liberties of our own citizens.

Sir, when we turn our eyes from the true path of prosperity for our country, we become derelict to our duties as American statesmen. We should promote intelligence, virtue, industry, honesty, integrity, and all the virtues which tend to ennoble a people. We should develop the industrial resources of our country by wise and judicious legislation. We should maintain peace with all the nations of the earth, as far as can be done compatibly with the honor and interest of the American nation. But when, at any time, our rights and liberties shall be invaded by a foreign or domestic foe, we should then be ready as one man, and an united nation, to hurl the tyrant, who would invade our liberties, from this continent.

I am no soldier; I admit: but let any foe plant his foot upon our soil, and I guaranty to this House, that every man would shoulder his musket for the purpose of defending his home, his fireside, his children, and to protect the honor of his glorious ancestors.

If you want a proposition for strengthening and improving the military arm of our country, I would propose that we reward merit by throwing open the ranks of promotion to the common soldier. If you want to stimulate men to deeds of bravery, whenever you find a brave man upon the decks of your vessels-of-war, let him be promoted; let him be advanced to position. Sir, this proposition would give greater power and energy to the American Army, and to the American Navy, than ten thousand lieutenant generals to domineer over the great mass of the soldiers that fight our battles. How did Napoleon Bonaparte acquire his distinction, and his mighty power, as a military hero? Why, he rewarded merit. Monarch and Emperor as he was, when he found a brave and worthy private man in the ranks of the Army, or the Navy, he immediately selected that man for promotion, and advanced him, step by step, as far as his merits would warrant his promotion. But when a man degraded himself by cowardice, or drunkenness, or vice of any kind, then Napoleon cashiered the man.

But, sir, what stimulus is there to the soldier, the marine, or the sailor, on board your national ships, to fight the battles of the country? He may fight as bravely as Julius Cæsar, or any other brave man, and he is a sailor and marine still. He never can have his shoulder braced by a gold epaulet, or his cap by the towering feather that crown some of our distinguished men at the present day. Never, never. His country closes its ears to the demands of his merits. But if he enters as a midshipman—a more respectable position, according to the silly false notions of society—then the rank of promotion is open to him, and he is sure of promotion; and according to the proposition pending in the Senate, he is sure of pay for life, be he ever so degraded, or mean, or vile.

There is another proposition, Mr. Chairman, which I shall be obliged to glance at very briefly, as I do not wish to occupy the attention of the House in an unnecessary debate.

As I remarked before, following upon the footsteps of its "illustrious predecessor," the bill for conferring the title of lieutenant general, comes the retired list, and then the bill for increasing the salaries of our foreign ministers. Why, sir, I have recently read in the public journals that a man cannot sustain himself with dignity as a foreign minister on $9,000 a year, and $9,000 outfit. A man cannot shine with that sum, like the ministers of foreign courts. What does all this mean? Is it necessary, when you send a man to a court of Europe, that you should send a golden calf? If that is so, make a golden calf, and set him up there. It would be less expensive, as he would eat nothing, or drink either. Or is it better that you should send a man with brains; a man of intellect; a man of force of character, who can meet the diplomatists of Europe with superior intelligence? What is it to command respect throughout the world? Is it the golden calf—the towering feather—and the shining epaulet? Is it the drunken bacchanalian feasts, given by our foreign ministers on European shores? Is it these things which command respect? No, sir. Men are not quite such fools as they appear to be, in some particulars at least. Show me a man of superior intellect, and I will show you a man who will command respect wherever he goes.

Look at one of our humble citizens, who went over into Germany. I refer to Count Rumford. Though he was poorly clad, though he made no professions, though he had no title, nor towering feather in his cap, nor shining epaulet upon his shoulder, the King, seeing that there was merit there, immediately selected him as one of his Prime Ministers, and placed him in an elevated position, in order to retain his services. And, sir, at this day the humble name of Rumford, who went from one of the eastern cities to Europe, and afterwards became a count, is more honored throughout the world by the glorious achievements of his superior intellect than all the titles which could ever be conferred upon him would make it. Such men's names are passports everywhere. Commanding intellect, intelligence, and virtue will command respect everywhere; and I would say to those of the American people in humble positions, to the American mechanic, who is looked down upon with contempt by his more lofty neighbors, Stand erect as men, and if you discharge your social duties with fidelity and integrity, you equal as a man the best in the nation who may glitter in gold and purple, and roll in a lordly carriage. I do not want to be understood as disposed to the founding of artificial distinctions in society, and arraying one class against another; but I do wish that the industrious, virtuous, and intelligent shall be elevated to positions of respectability and authority, where their merits demand they should stand. But shall we increase the salaries of our foreign ministers, that they may ape the fooleries of foreign courts? Do you not see the consummate folly of such an attempt? Can you find intelligent—really intelligent men capable of competing with Emperors and Kings in displays of jewelry and fine linen, and costly banquets? Can we expect it? No, sir; double their salaries, if you please, and you will still find your ministers misrepresenting the people of this nation, and commanding no more respect than they did before.

Look at Franklin at the Court of France. I recollect an anecdote of him which, though old and heard by all, is still worthy of repetition, because it illustrates the point. A gentleman of an aristocratic cloth passing alongside of him, observed to a lady who accompanied him, "There is the American Minister!" "What!" says she, "that shabby-looking old gentleman?" "Yes, madam; and be careful how you speak of him, for he governs the thunder and lightning, and may strike you."

Mr. CARTTER. Good!

Mr. SKELTON. Benjamin Franklin at the Court of France, clad in his humble garments, gave no feasts to make himself and associates drunk. That man moving in his humble sphere, representing, as he did, an humble nation, has never been equaled by any foreign minister since, and he never will be until you select the best minds to represent us at European courts. Do this, and leave the vain display of glittering jewelry and gaudy dress to kings and fools. Be it our ambition to excel in virtue and intelligence; and when they talk about the degradation of an American nation being represented by an humble citizen, what will be said? Look across the broad Atlantic to that happy land, at its commercial marine, its manufactures, its intelligence, and enterprise. Our prosperity, under the influence of these plain, unassuming republican principles, has been unparalleled in the history of the world. Aristocrats may sneer and laugh at our simplicity and our plainness as much as they please, we will point them to our nation wherever we go with just pride and say, Ridicule, if you please, but you shall feel our power if you insult us as a nation. The time will soon come, if we are true to our instincts, true to our principles and our republican institutions, when we may dictate terms to the world.

Look at the rapid growth of our nation. We number 24,000,000, though not three hundred years old. In fifty years, if we increase in the ratio, that we have heretofore, our sons will see this mighty nation spreading from the Atlantic to the Pacific ocean, from the frozen shores of the North to the Isthmus at the South. And this mighty Republic will be inhabited, by what? Not by a military republican people, not by an aristocracy, not by an indolent, proud, licentious people, but by an industrious, intelligent, virtuous and prosperous nation, who will be able to dic-

tate terms to the nations of the world on any subject. That prospect makes my heart glow. That prospect, when compared with the proposition to clothe with purple and fine linen our representatives at foreign courts to misrepresent the simplicity of our republican institutions, makes it dwindle into insignificance, and as scarcely worth a reflection of ridicule. What is the principle upon which our Government is based? It is the principle incorporated in our glorious Constitution and in our glorious religion: the principle that he who would be chief must serve; that he who would be the ruler must be the servant of the people. And shall we clothe our servants finer than we clothe ourselves? Shall they fare more sumptuously than their masters? Shall the subject be above the monarch, because in this country we are all monarchs, and not speaking boastfully either? Power emanates from the people, and rules are established for their benefit. That proposition no one will dispute. Let us have an eye single to that point. Let the rulers bear in mind that they are servants of the people; and I would ask Congress to remember that all of us are only the servants of the people to carry out their will, and to promote their interest and advance their institutions.

Why, sir, the whole history of the world shows that the human race, from its creation to the present time, has lost sight of man as man in his true dignity, and fallen down and worshipped idols. At the present day, we are man-worshippers as well as golden-calf-worshippers. And I think the time has arrived when man should arise in his true dignity, assert and maintain his rank as man everywhere. We have a mission, Mr. Chairman, and that mission is to raise up the downtrodden throughout the world, to spread civil and religious liberty everywhere. I say that this is our true mission. We should keep it in view, and the time will rapidly roll round—more rapidly than we can scarcely imagine—when, under the benign influence of our institutions, an impulse will be given to the human mind which has been unparalleled in the history of the world. Our progress within the last forty years has been greater than all of the nations of the earth put together for six thousand years. Our free institutions, and the elevation to the true standard has given an impulse to the human mind that will spread as the lightning's flash, and we are destined, if we are true to our mission, to extend this impulse throughout the globe. If we are true to our mission we will arise as the morning sun in its glory, and emperors, kings, and nobles, shall sink into insignificance on the page of history, and be looked upon as follies that bewildered and estranged the human intellect from its true path. May God in his mercy and wisdom direct and preserve this Government and people to the accomplishment of our true and glorious mission.

FRAUDS ON THE TREASURY—GARDINER CLAIM.

SPEECH OF HON. A. JOHNSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

January 12, 1853,

On the Bill to prevent Frauds on the Treasury of the United States.

Mr. JOHNSON said:

Mr. SPEAKER: I shall commence what little I have to say upon this subject by asserting—for it has really become a debatable question—that there are such things as right and wrong, and that the question of law-making is to sustain legally, what is morally right; and to prohibit legally, what is morally wrong. I know there are various opinions among men, and even among moralists, as to what is abstractly right or wrong in itself. There are some things declared offenses in law which are not offenses morally in themselves. And again, there are other things not made offenses by law which are offenses in sound morals. The great object in making laws should be to sustain, develop, and carry out what is admitted to be morally right. We find more or less violation every day of what we in our minds and hearts consider sound morals, and we find no law to prohibit the violation of those morals. Now, I think, where there is moral wrong, there is political wrong, and it should be made legally wrong. The object of this bill is to prohibit what is considered in one sense political wrong, and to carry out what is morally right.

The second section of the bill proposes, upon the conviction of any individual connected with the heads of the Departments, or of any functionary of the Government, in any of the courts of justice, of aiding or prosecuting any claim against the Government, for a fee direct or remote, or for an amount specified or an amount contingent, it shall be made a misdemeanor, indictable and punishable by fine and imprisonment, as the court shall direct. This was considered by the committee—and I think it is considered by the people of the country generally—as a moral and political wrong.

The third section of the bill provides that if any member of either House of Congress, or any officer in the employ of either House of Congress, shall be guilty of prosecuting any claim against the Government, for a fee, remote, direct, or contingent, it shall be a misdemeanor, indictable and, upon conviction thereof, punishable with fine or imprisonment in the discretion of the court. I think it will be conceded that the practice ought to be prohibited; that it ought to be stopped. We see Congress besieged every session, and we see the Departments continually granting claims against the Government, and we know the appliances that are brought to bear to procure the settlement of the claims before the Departments, or their passage by the Congress of the United States. It seems to me that the position or character of a Representative in Congress is a very different one from being an agent to prosecute claims against the Government.

In the first instance, the Government can pay no claim unless there is an appropriation made; and if a member of Congress accepts a fee or a present, I care not upon what principle, he becomes involved in a position inconsistent with his public relations. He may say that he, as a lawyer, has a right to practice before courts of the United States, and aid in getting claims through such tribunals. But is that position consistent with the duty of a Representative? The people send a Representative here for the purpose of guarding their interests, and at the same time doing justice to all those who may have claims against the people through the Government. The people send Representatives and Senators here as guardians of the Treasury, and the holders of the purse-strings, to make such appropriations as are just, and to withhold all that are unjust.

Now, while a Representative is acting in his character as such, while he is standing as a sentinel upon the watch-towers over the people's interests, while he is protecting the Treasury, can he change his character and divest himself of all interest and become an agent for prosecuting claims against the Government which cannot be paid unless he, acting in the character of a Representative, appropriates money for such payment? We find that interest and prejudice are so closely blended, that they cannot be separated in matters of this sort. And when a member of Congress is acting in his capacity as such, he should not run the risk of being swerved from his duty as a Representative, by becoming an agent for the prosecution of claims against the Government for particular individuals. For instance, we agree to pay a certain amount of money, by treaty stipulation with some other Government, or even with an Indian tribe. It is ratified by the Senate,—for the Senate is a part of the treaty making power,—and here, for instance, a member of Congress may be interested in a claim which a tribe of Indians or a foreign Power may have against the Government of the United States. The treaty is made, providing for the payment of certain amounts of money, upon certain conditions; it is submitted to the Senate of the United States for its ratification. And here we may find a man, who is acting as an agent for claimants against the Government, acting at the same time upon a treaty, providing for the payment of a large sum of money for the satisfaction of those claims. For instance, you may establish a board of commissioners—as I intend to give a case only for illustration—by which the amount set apart in the treaty may be awarded to particular individuals. Now, in the character of Senators, they may come before the board, and there act, as they say, in a judicial capacity. They ratify the treaty, establish a board of commissioners to whom is confided the duty of awarding millions of dollars—which is intrusted to them—among those who have claims against the Government, and, immediately after the ratification of the treaty, step out before this board of commissioners created by that same treaty, and prosecute against the Government claims which you have provided for in the very treaty they have ratified.

Now, how do you find the practical operation of this thing? Notwithstanding you provide by treaty for the payment of money, there is another power to be exercised before the money can be paid. After having prosecuted the claims to award before the commissioners, the money must be appropriated by the appropriating power, before it can be paid over to the parties to which it is awarded. Then we immediately see the impropriety of members of Congress acting as agents, as their duties as Senators and Representatives come in direct conflict with the duties of a claims agent. They cannot protect the interests of the people in their capacity of Representatives, and at the same time prosecute a claim against this Government. It is a conflict of interest and duty which cannot be reconciled. I know it may be said that we can step out of the House of Representatives, before a board of commissioners, and divest ourselves of all interest in the first character. Can we return from the successful prosecution of claims before that board, to a vote in the Senate, and say we are disinterested?

This whole matter is morally wrong and politically wrong, and it ought to be made legally wrong, and should be punished as contemplated in this bill. It seems to me that it is improper for a member of Congress to form any such connection with claims of this sort. Such a connection is improper, because it is immoral, because it is unsound in politics; and if it is unsound in these two points, it ought to be made so legally.

But, Mr. Speaker, I am going along with this question. There seems to be some two or three other questions connected with it. My intention is, in the main, to discuss the bill and the propriety of its passage; but in this discussion there has sprung up a question not altogether legitimate, and I claim the privilege, which others have indulged in, of diverging from the true line of debate.

When we come to examine this Gardiner claim, which is the root out of which this bill has sprung through this special committee, we find the basis of this claim rests upon the twenty-sixth article of the treaty made in 1831. That treaty provided for and secured certain rights and privileges to our citizens in Mexico. Three of those privileges were, that where our citizens lived upon the coast or in towns, in the event that a war should break out, they should have six months' notice to leave the country and take away their effects. If they lived in the interior, pursuing the business of merchandise, they were to have twelve months. If they lived in the interior or other portions of the country, pursuing any other occupation, so long as they behaved themselves and acted in subordination to the existing authorities, they were permitted to remain and be protected in the enjoyment of their lives, their liberty, and their property.

Under this article of the treaty of 1831, many claims sprung up on the part of the citizens of the United States against the Government of Mexico. They increased. Depredations were committed of various kinds—spoliations, if you think proper to call them so—and claims, in behalf of citizens, accumulated to a very considerable amount.

In 1839, there was formed another treaty with Mexico, which treaty provided for the establishment of a Board of Commissioners to sit upon, and adjudicate the claims of citizens of the United States against the Government of Mexico. That Board was a mixed one. A part of it was created by the United States, and a part by Mexico; and the claims which they might award, were to be paid upon certain conditions. In relation to the claims which could not be agreed upon, there was an umpire to be selected who was to determine upon their validity.

We find that the Board established by the treaty of 1839 resulted in a failure. There were some awards made, it is true, but in many cases there

were none. Some of the awards made were not paid, which circumstance resulted in the calling of another convention, and the making of another treaty in 1843, and the creation of another Board. This Board did but little; and there was another convention, which was to have been ratified on the 20th of November, 1843. That ratification never took place. During all this time these claims were increasing, and our citizens were without redress. The difficulties between the two Governments were thickening, and a war was expected.

We find in 1840 that this Mr. Gardiner went to Mexico as a kind of itinerant dentist, plugging and filing teeth for a livelihood. He wandered around until 1843; and the last seen of him was in the city of Mexico, in the year 1844. He was seen there by General Thompson, and by some others. He stated, and it is so stated by others, that he repaired to the interior, where, he alleges, he commenced mining operations to an amount of $300,000. All this time the difficulties between the Governments were constantly increasing, and war was expected. Mr. Thompson returned home, and Mr. Slidell was sent out. War was declared, as you will remember, in 1846. Gardiner commenced mining operations with little or no capital, and in two years' time he had invested, as he assumes, some $300,000. There are contradictory statements in regard to this matter; but it must be manifest to all reasonable and impartial persons who will make themselves familiar with the history of this whole transaction, that Dr. Gardiner had little or no capital to vest in mining operations at that time; and if he had, it is not reasonable to suppose he would have done so, in view of the belligerent attitude about being assumed by the two Governments.

We now come along to 1846; war was declared, this Gardiner was expelled from Mexico, his property lost, and his mines taken from him; and he now comes forward and sets up his claim, under the twenty-sixth article of the treaty of 1831. The war continued; and on the 2d of February, 1848, there was another treaty made. Mr. Gardiner was an observing and a shrewd man, and he saw, as every one who knows anything about such matters knew, that whenever a treaty of peace should be made, Mexico would be compelled to pay money to the United States, and be compelled to provide for the payment of claims, on the part of our citizens, against that Government.

By the treaty with Mexico of the 2d of February, we provide—after agreeing to take so much territory and pay $15,000,000—for the indemnification of citizens of the United States against the Mexican Government to the extent of $3,250,000. By this same treaty, another Board of Commissioners was created, to consist of three members, and to hold its sessions in the city of Washington. Mr. Gardiner, having returned from Mexico to the United States, met here and renewed his acquaintance with Mr. Thompson. He stated his case to him, and they at once commence to conjure up or make out this claim—which did or did not exist—to be brought before this Board. The claim was presented, and as the declaration will show, for the sum of $500,000. I will not say that Mr. Thompson, of South Carolina, was cognizant or guilty of anything wrong, but I will state as a fact, that when he came forward with the claim, as the documents will show, he had a programme for the taking of evidence, and as to what had to be done to establish the claim before the Board, and that, too, before he returned to Mexico, and before the declaration was made out. Both Mr. Thompson and Mr. Gardiner had been in Mexico and understood the condition of the two Governments, and were aware that Boards had set at various times upon claims between the United States and Mexico. When Gardiner returned with his proofs, a declaration was made out and filed before this Board.

Mr. STEPHENS, of Georgia. I would ask the gentleman from Tennessee, whether Mr. Thompson did anything more than give instructions conformably to regulations previously established by this Board?

Mr. JOHNSON. I state facts, and it is for others to draw inferences. He drew a chart, or written instructions, by which this claim was to be made out. I am fully aware that lawyers sometimes give instructions as to how a case is to be made out, and what character of proof is to be taken for that purpose; but in that instance, other things conform to the case. In this instance, however, the programme is made out, and the case is made to conform to it.

Mr. STEPHENS. Is it not the practice in all of the Departments of the Government—the Pension Office, for instance—where claims are to be presented, to establish rules of evidence by which claims are to be supported? Did not this Board do so in this case, and did Mr. Thompson do anything more than give instructions conforming to those regulations?

Mr. JOHNSON. I stated, when I first alluded to Mr. Thompson, that I would not charge that he was cognizant of, or intended to do, anything wrong, but would only state a fact.

Mr. STEPHENS. Certainly; and I ask the gentleman to state another fact.

Mr. JOHNSON. And that fact was that the affidavits were taken, and the case made out, in compliance with those instructions.

Mr. ORR. I will in this connection ask the gentleman a question, as he is familiar with the testimony in the case. Was it not proven before the committee that Dr. Gardiner exhibited to General Thompson the affidavits of certain persons in Mexico previous to the preparation of these instructions, and that those instructions were gotten up for the purpose indicated by the gentleman from Georgia?

Mr. JOHNSON. I think that the gentleman will find that fact stated by General Thompson himself, and by no one else.

Mr. ORR. General Thompson is an honorable man, and it is due to him that his statement of fact should go out. Evidence of parties in Mexico was brought here by Dr. Gardiner, and the instructions given by General Thompson, as I understand him, were to put the affidavits referred to in form.

Mr. JOHNSON. They were instructions to him to make out his case. Here is the published testimony, and it is for the public, and not for me, to draw inferences. We find that in compliance with those instructions the case was made out and presented to this Board, and that an award was made to Dr. Gardiner of $427,000. About these facts there can be no mistake; and I tell gentlemen now, that before I am done I shall come to the touchstone in this matter. You may talk about high-minded, pure men, who lift themselves above all that is low, and groveling, and disreputable, but there is a point in this case that will put them to the test. One thing has been ascertained since this claim has been allowed, and that is, that it is a fraudulent one, based only upon perjury and forgery. We know that perjury and forgery were the means by and through which the amount of money I have specified as being awarded to Dr. Gardiner, was taken out of the Treasury. Now, this fact, no one will controvert. The committee were of the unanimous opinion that it was a naked fraud upon the Treasury, sustained only by forgery and perjury. Then, if Mr. Thompson and Mr. Corwin are the recipients of money extracted from the Treasury by means of fraud and perjury; if they are the high-minded and honorable men they are represented to be, they will, upon every principle of sound morality and justice—upon the doctrine that the recipients of stolen goods shall, so soon as the fact is ascertained, restore them to their rightful owners—replace that money in the Treasury. Everybody acknowledges it is right that this money, which has been filched from the Treasury by fraud, so far as we can reach it, should be enjoined; and if a certain portion is enjoined in the hands of Corcoran & Riggs as money belonging to the Government, is it not equally right that another portion of the same money which has passed into the hands of Corwin and Thompson ought to be enjoined? I know that legally you cannot reach it, but I say that they are morally bound to return it. There is the touchstone. You that talk about honor; you that talk about having no knowledge of a fraud being intended at the time the claim was being prosecuted before the Board, know now that it is a fraudulent claim, and that you have stolen goods in your possession, which I know you are morally bound to restore to the rightful owner, to the last dollar. This tests the whole thing, and why debate it? They plead ignorance of the fraud whilst the claim was being investigated; they did not know it was a fraud, but they know now that it is. They know now where and how the money came; and, as honest men, worthy of public confidence and entitled to occupy a high place in the Government, they are bound to restore it.

Mr. GOODENOW. Major Lally ought to be involved in the same category.

Mr. JOHNSON. The gentleman from Maine says that Major Lally ought to be involved in the same category. I say that all, though there were a captain's company, the recipients of the proceeds of this fraud, ought to disgorge. If they retain it, I say in my place here, that in sound morals they are as filthy as a cage of unclean birds.

The gentleman from Connecticut [Mr. CHAPMAN] knows that I will make no unkind allusion to him. Since we formed each other's acquaintance here, our personal relations have been of the most amicable character. I am proud of his acquaintance. I have found him a shrewd and active business man. He has talents and business tact, and if I was not convinced of this before, I was on yesterday by the defense he made in this case. You saw his conciseness, his method, and the dependence of one part of his argument upon another. If you admit his premises, and follow him along to his conclusions, you will see that it is one of the prettiest and fairest cases in the world. It did his head credit; and I will not doubt his sincerity in the basis upon which he placed it. During the delivery of his speech I imagined myself in a criminal court, listening to the defense of a criminal, and that the gentleman was trying to make it appear not that his client was guiltless, but that the prosecution was malicious. It seemed that he wanted to mitigate the sentence of the court or the judgment of the jury, by pleading that the prosecution was a malicious one, without at all looking to the merits of the case.

And we find, too, that is done very adroitly in this connection, by associating the idea of malicious prosecution as regards Mr. Corwin. Says he, "I am not his foe nor is he my foe; can the member from Ohio [Mr. OLDS] say as much?" Do you not see the course which he intended this thing to take, so as to impress upon the public mind the idea that there was enmity and ill-feeling existing between these two gentlemen, and that the whole proceeding here was malicious on the part of the member from Ohio, [Mr. OLDS?] Is it not evident that he desired to give that direction to the public mind? I do not know what the relations are between those two gentlemen. I have met and received them both as gentlemen, and I know nothing of their personal and political differences. I have looked upon them heretofore as equals, so far as those matters were concerned. Nor do I intend to inquire into their personal difficulties. But I can say for myself, as the gentleman from Connecticut [Mr. CHAPMAN] did, that I am not Mr. Corwin's foe, and I hope he is not mine. I have no reason to be his foe, as I have never received anything from him but kindness. I have met with him and passed the usual civilities of gentlemen, and nothing unkind has passed between us. The reason I make this remark is that I am in as favorable a condition to speak of this transaction as the honorable gentleman from Connecticut. Then why do you not acquit your man upon the merits of the case, not by innuendo, by indirection, and by making a false issue before the public mind, and there rest your case? What was the other ground upon which the gentleman relied? It was this, that the proceedings were *ex parte*. Ah! A malicious prosecution, based upon an *ex parte* examination of the witnesses. How does that fact stand? Was not Mr. Corwin before that committee? Did he not have the witnesses summoned, and did he not cross-examine them?

Mr. CHAPMAN. The gentleman from Tennessee misunderstood me if he understood me to say, so far as Mr. Corwin was concerned, that this was an *ex parte* examination. I made no such intimation; but I said, in express terms, that so far as Dr. Gardiner was concerned, it was due to him to say that it was *ex parte*, with the single exception to which I have adverted.

Mr. JOHNSON. I intended to come to that. The impression was made by what the gentleman

said, that it was an *ex parte* proceeding. I do not know what his intention was.

Mr. CHAPMAN. The intention was to make myself distinctly understood.

Mr. JOHNSON. Perhaps it is owing to my obtuseness, and not his want of clearness, and I will let it go in that way; but the impression calculated to be made by his speech was, that it was an *ex parte* proceeding, and that the witnesses had not been cross-examined. Well, so far as Mr. Gardiner was concerned, there was no *ex parte* proceeding. Mr. Gardiner was not on trial before that committee, and this bill contains no provision that would punish Mr. Gardiner, so far as I know. Mr. Corwin was the man with whom the committee had to do; and his connection with the Gardiner claim was what the committee were investigating. The gentleman from Connecticut nods his assent. This is the true state of the case. Mr. Corwin was present at the investigation, cross-examined, and had most of the witnesses summoned himself. So far as Mr. Gardiner is concerned, he is not upon trial at all, but we are to get at Mr. Corwin's connection with the Gardiner claim. That is what we are trying to do; and how does the matter stand so far as Mr. Gardiner is concerned? He was not on trial, and he was not before the committee, but he was heard by his counsel. About the close of the investigation, Mr. Gardiner writes a letter to the committee, in which he speaks of the investigation as being an *ex parte* proceeding, and claims the right of being heard. Did not the committee notify him that he could be heard and fix a day for him to come? Did Mr. Gardiner come?

Do you not see that the two main grounds upon which the gentleman from Connecticut [Mr. CHAPMAN] relies, show that his argument is a specious one, made in true lawyer style, to acquit his client upon special pleading, when there is no merit in his case? That is the position which he occupies. We find in this connection that there has been something said by gentlemen about the committee going beyond the record. What does this resolution say?

"Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been improperly connected: therefore," &c.

How does the fact stand? We are not to investigate whether Mr. Corwin knew that it was a fraudulent claim, (which we will come to directly,) but we are to investigate whether Mr. Corwin was improperly connected with the Gardiner claim. That is the point. Does not this investigation show that he was connected with it, and that he got a part—eighty-odd thousand dollars of it? I think it does. Is not his connection, then, with the claim improper? We say that it was an improper connection, that it was mere speculation, and that it was morally wrong.

In the bill before us, what do we propose to do? We intend to say that legally such a connection is wrong, not binding him more than anybody else, who has been guilty of the like offense. The offense was an improper one. Why was it so? Mr. Corwin was a Senator of the United States, placed there by the people to guard the people's Treasury, to take care of their money, and also, as one of the Senate, with the President of the United States, to make treaties with foreign Governments. We find when this very treaty was concluded between the Government of the United States and Mexico, on the 2d of February, 1848, that Mr. Corwin was in the Senate himself, and acted in his capacity as Senator. We find in this very treaty, as I remarked before, that three millions and a quarter were set apart to pay the claims of citizens of the United States against Mexico. We find that by this very treaty a Board of Commissioners was established. We find that while Mr. Corwin was Senator, when he was acting upon the treaty which made an appropriation of three and a quarter millions to pay these Mexican claimants, he received a fee to prosecute claims before the very Commissioners which he assisted in creating, and got a portion of the money appropriated out of the Treasury.

Mr. STANTON, of Ohio. I wish to know of the gentleman whether he considers that the committee were bound to inquire into anything beyond what had been practiced by all of the members of Congress? whether he did not think they were bound to show that there was something peculiar in the case of Mr. Corwin from that of others?

Mr. JOHNSON. The gentleman from Ohio desires to know if Mr. Corwin acted differently from other members of Congress. If the gentleman will read the resolution, he will there find what we were appointed to do, and that was to ascertain Mr. Corwin's connection with the Gardiner claim, and whether that was an improper connection. We have found out what his connection was with that claim, and it is for the country and the House to determine whether it is an improper one or not. I consider it such, from the fact of his being a Senator at the time the treaty was made, voting for the appropriation to carry out the provisions of that treaty, and prosecuting a claim against the Government provided for by that very treaty; and I think that the country will so determine it.

I do not intend to find fault with the report which the committee make here, but I wish to refer to it. The committee go on, and do what? They have ascertained Mr. Corwin's connection with the claim. They have shown what it was, and the country understands it. This committee after going on, and summing up the whole case, state that, "No testimony has been adduced before the 'committee proving, or tending to prove, that the 'Hon. Thomas Corwin had any *knowledge* that 'the claim of the said Gardiner was fraudulent, or 'that false testimony or forged papers had been or 'were to be procured to sustain the same."

Now, do we not see how clearly that misses the case? The resolution required them to ascertain the improper connection. Does the improper connection depend upon Mr. Corwin's knowledge of its fraudulency? That is the point. The committee did not say that the connection was a proper one, but that he had no knowledge of the fraud. This connection was improper without a knowledge of the fraud, and if he had a knowledge of the fraud, it was but an aggravation of the improper connection. That is the whole of it, and you may turn as you please upon this question, he stands improperly connected with this fraudulent claim, successfully prosecuted against the United States, and the money was obtained from the Treasury.

The gentleman from Ohio [Mr. BARRERE] seemed to strike a happy vein of argument yesterday upon this question; and it was that Mr. Gardiner was a bad man, and that Mr. Corwin was not responsible for it. He illustrated it by telling a story which Mr. Clay related of Mr. Grundy, that if Mr. Grundy was responsible for all the criminals he had defended he would have a great amount of sin for which to answer. That may be all true, but it is not Mr. Grundy defending a criminal in this case, but it is Mr. Corwin aiding a man in prosecuting a claim against the Government. He appears for the plaintiff and not for the defendant—for a man who is trying to commit a fraud upon the Treasury with the knowledge of its being a fraudulent claim, as I believe. We say it is wrong in that connection, and still more if he knew it to be wrong. The cases are not analogous at all.

The gentleman from Ohio presented one or two other really strange ideas. He set out with saying that he should vote for the bill, thereby admitting that this thing should be made an offense legally as it was morally, because we proceed upon the idea in this, and most other countries, that to have anything like a perfect system of jurisprudence, law must be the perfection of reason, and, I will add, of sound morals. The morals must precede the law, and the law should be made to sustain the morals. If it is not morally wrong to do this thing, I tell the House and the country, that it is wrong to pass a law making it a legal offense. If it is morally wrong, pass the law and make it legally wrong. If it is not morally wrong, pass no such law; for if you do, you at once make law and morals antagonists; you have them running counter to each other. The gentleman from Ohio [Mr. BARRERE] seems to argue morals on the one hand, and law on the other—that what is right in law is wrong in morals, and that what is right in morals, is wrong in law. He seems willing to justify Mr. Corwin's connection with the claim *morally*, but he is willing to make it an offense *legally*. I cannot reconcile that sort of argument. It reminds me of a position assumed at one period of time by Professor Hoffman. He wrote as long ago as 1598—just two hundred years before the Virginia resolutions were adopted—that philosophy was the mortal enemy of religion, and that truth was divisible into two branches, one philosophical and the other theological, and that what was true in philosophy was false in theology, and *vice versa*. Now, the gentleman from Ohio seems to occupy this position, that that which is right in morals, is wrong in law, and that that which is right in law, is wrong in morals. I confess I cannot swallow that proposition. It seems to me that morals should constitute the basis of law.

Mr. BARRERE. I believe they have laws in some of the States that the citizens shall catch fish in certain streams only at certain seasons of the year. It is, therefore, *legally* wrong to catch fish in those streams at other seasons, but I do not think that if there was no such law, it would be *morally* wrong.

Mr. JOHNSON. It might be morally wrong in some places and not in others. That would depend just upon the locality and the circumstances of the case. [Laughter.] But the gentleman goes on to justify Mr. Corwin on the ground that the fee was a contingent one. Now, I expect they have got a law in his State that no lawyer shall take a contingent fee; in other words, that if a lawyer brings suit for a certain amount on condition that he shall receive a certain proportion of it, he shall be stricken from the roll of lawyers. They would find him guilty of champerty.

Mr. BARRERE. The gentleman has misunderstood me. I did not take the position he supposes with regard to the fee being a contingent one.

Mr. JOHNSON. I think the gentleman will find it difficult to understand his own position, when he sees it on paper. In the States we consider champerty immoral, and we pass laws making it a legal offense, because it is immoral. We say that it is morally wrong for a man to go about getting up suits in a neighborhood, and taking contingent fees, and we pass laws to punish him. But the gentleman tells me, with his profound understanding of theology and philosophy, that taking a contingent fee in a claim against the Government is a different thing from taking a contingent fee in a case before a court of justice. Now, if champerty is immoral in the States, and a punishable offense under State laws, I ask how, in the name of morals and common sense, it becomes right and moral in Secretaries, members of Congress, and other persons here? Such is the state of things here, that practices which are considered immoral in the States, and are consequently made indictable offenses, can be practiced with perfect impunity here, and no one must inquire into them. It is time that we had arrested this thing. The attention of the country is directed to it. It is high time that the indiscriminate plundering which is going on about the Departments, and about this capital, was put a stop to.

Sir, I have not time to go into the testimony in this case. I had intended to have done so. But you will find, on looking over the whole of it, that the case was shrewdly anticipated by Dr. Gardiner and his coadjutors. He saw the various conventions, and the claims against the Mexican Government; he saw the difficulties thickening; that war would be the result; that a peace would be made, and that the Government would have to indemnify our citizens; and he commenced, with Mrs. Chase, Mr. Larned, and others, making up a basis upon which to rest this spurious claim. He carried on the case shrewdly, until he succeeded in getting it before the Commissioners. It is a fraud, and a fraud by which a large amount of money has been extracted from the Treasury of the country; and the recipients of the money thus fraudulently extracted, should restore it back to the coffers of the Treasury, if they are honest men and men of sound morals.

But, upon a further examination of this case, we find the witnesses differing with each other in their statements of facts. Mr. Payne, who was one of the Commissioners, says that they suspected it was a fraudulent case from the beginning,

and that it excited the closest scrutiny. What does Mr. E. W. Johnson, who was Secretary to the Board, say? He says that the Commissioners suspected the case, and that Dr. Gardiner was called in again and again, and that his counsel were called upon to explain time after time. Who were his counsel? Why Robert G. Corwin and Thomas Corwin. The Board suspected that it was a fraudulent case; the Secretary of the Board suspected it; but these gentlemen did not find it out; and R. G. Corwin swears he never knew of it being suspected till suit had been brought against Dr. Gardiner. The inference is, that they either did find it out, or that Mr. Corwin has more credit for sagacity and talent than he is entitled to. The gentleman from Ohio pronounced a splendid eulogy upon Mr. Corwin yesterday, and spoke of him as being a man of great and shining talents, and of gigantic intellect; and yet with all his sagacity and experience and knowledge of men, he failed to find out that this was a fraudulent claim. The committee by saying that he had no knowledge of its being a fraudulent claim, say that he is a man of extraordinary obtuseness, and is not entitled to credit for sagacity. He either knew that it was a fraudulent claim, or else was too obtuse a man to find it out. If Dr. Gardiner's counsel failed to discern that the claim was a sheer fabrication from beginning to end, it argues but little for their heads and detracts much from their reputation for talents and sagacity; and if they had reason to believe that the claim was spurious, and was sustained by forgery and perjury, it makes them parties to the whole transaction—equally criminal with Gardiner himself, and deserving the withering condemnation of an outraged and betrayed people. The gentleman may take either horn of the dilemma. W. E. Johnson says that the counsel were sent for again and again to explain the claim. So far as the other witnesses are concerned, you might go on still further. Mrs. Chase and General Waddy Thompson seem to be at issue in their testimony. Mrs. Chase says that General Thompson is mistaken in attributing certain expressions to her in relation to Dr. Gardiner; that she never made use of them.

I find that my hour is within a few minutes of being out, which will prevent me from a more minute examination of this case; but I cannot conclude without making an earnest appeal to the House to come forward and sustain this bill, as one step towards arresting and condemning this system of high-handed plundering and swindling, which has been and is being carried on, about Congress and the various departments of Government. Sound morality, common honesty, justice, an eviscerated Treasury, all demand that something should be done to separate these vampires from the body politic. There must be something done to restore public confidence, for it is going very fast, if not already gone. The Government and the functionaries of Government are beginning to stink in the very nostrils of the nation; it is now dead and rotten in many of its parts, while the disease is rapidly making its way into the others less accessible. Its putrid stench is sent forth upon every wind and is arresting the attention of the voracious vultures throughout the land, and they have gathered, and are still gathering, around the carcass, ready to begin their foul work.

They come "from the mountain tops, with hideous cry
And clattering wings; the filthy harpies fly:
Monsters more fierce offended Heav'n ne'er sent,
From Hell's abyss for human punishment."

THE GARDINER CLAIM.

SPEECH OF HON. E. B. OLDS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 6, 1853.

The report of the Select Committee to prevent frauds on the Treasury being under consideration—

Mr. OLDS said:

Mr. SPEAKER: When I left my home in Ohio, to return to this capital, I had not the most distant idea that I should feel called upon to trespass upon the time of this House by again adverting to the Gardiner claim. I felt, sir, that in calling for the Committee of Investigation, I had but discharged a duty which I owed my constituents and the country; and even though the committee might acquit Mr. Corwin of the real charges alleged against him, still I felt that I had but discharged my duty, and that I might rather rejoice, than feel mortified at such acquittal. And even now, sir, I regret exceedingly that a sense of duty to myself, and duty to the constituency that I have the honor to represent in this Congress, compels me, in consequence of a remark made the other day, during my temporary absence from the Hall, by the honorable gentleman from New York, [Mr. BROOKS,] to ask the kind indulgence of the House, whilst I review, somewhat in detail, this most extraordinary transaction.

I was aware, sir, that an effort had been made, by pensioned dependents, by hired letter-writers, and by paid telegraphers, to forestall public opinion upon the report of the investigating committee; but knowing that sooner or later, the real facts of the case would be spread before the public, I was willing to wait for, and abide by the verdict that should be given upon that report by the American people.

I had supposed that the thousand and one false reports respecting the action of the committee, and the honorable acquittal of Mr. Corwin, which were scattered broadcast over the country, were designed to operate upon the elections then pending over the United States, and more especially upon my own election; for in my Congressional district, these false reports, with all manner of unfair and unjust comments, in handbill form, just upon the morning of the election, came upon us as did the frogs upon the Egyptians, and it might literally be said that they "came into our houses, into our bedchambers, and into our very kneading-troughs!" But I had no idea that even the men who gave them circulation, and carried them from door to door, and distributed them from hand to hand, supposed for a moment that they contained one word of truth. I had thought, sir, that when the occasion which gave them circulation, the election, had passed, an American representative would no longer be assailed for having boldly, fearlessly discharged his duty. But I find, sir, from the indication given by the gentleman from New York, that this false impression, this impression produced by these pensioned dependents and hired letter-writers, is to be seconded and continued by the efforts of honorable gentlemen upon this floor; and that, by such a course, if possible, the tables are to be turned upon me.

If gentlemen are not satisfied with their efforts to forestall public sentiment, and with their spurious acquittal of Mr. Corwin, but are desirious of turning the war upon me, I am ready and willing for the conflict.

The gentleman from New York, [Mr. BROOKS,] in reply to my colleague, [Mr. SWEETSER,] is reported in the Daily Globe as using the following language:

"The gentleman from Ohio, in order to evade or avoid these unanswerable facts and conclusions, attempted to abuse the present Administration for its extravagant expenditures, as if their doing wrong would justify him for refusing to do right. Now, if that gentleman will look back and observe the history of this Administration, he will see that in no one single instance, though a large majority in both Houses of Congress are nominally opposed to it, yet has there been no one instance in which they have reversed or condemned its action. The gentleman himself, or rather a colleague of his, did, indeed, in connection with the Gardiner claim, attempt to throw odium upon this Administration; but it was turned back upon him by his own party."

Mr. Speaker, the honorable gentleman from New York, when he gave utterance to the language just quoted, should have known that it was unfounded in fact, and unwarranted by the report of the committee. He is himself the editor of a public newspaper; and if his duty as Congressman did not require him to read the report of the Gardiner committee, certainly his duty as the publisher of such newspaper demanded that he should inform himself of the facts, that thereby he might be able to enlighten and not mislead the public.

I wish, sir, that I could believe that the honorable gentleman had spoken in ignorance, rather than with a desire to pervert and misrepresent the facts connected with the Gardiner fraud. I say, Mr. Speaker, that I hope the gentleman has really spoken in ignorance, and that it may prove true that he has never seen or read the report of the Gardiner committee. I am told, sir, that few or none of the Whig papers have published it in full.

I should like very much to know whether the honorable gentleman, when he used the language referred to, had ever seen the report published in any form, other than the garbled extracts, scattered broadcast over the country just prior to the Ohio and Pennsylvania elections. Has the honorable gentleman, himself the publisher of a Whig newspaper, ever given that report publicity in his own paper? Mr. Speaker, I will venture the prediction, that even now, notwithstanding the gentleman would have the country believe that the Gardiner committee have honorably acquitted Mr. Corwin, he dare not publish, without note or comment, the report of that committee, with the accompanying testimony, in the New York Express.

Sir, until he has the manliness to do this, let him not attempt to tell this House and the country that I "attempted to throw odium upon the Administration, but that it was turned back upon me by my own party."

Mr. ORR, (interrupting.) I rise to a question of order. I submit, Mr. Speaker, that the remarks of my friend from Ohio [Mr. OLDS] are not in order when the House is considering the bill now before it.

Mr. OLDS. My remarks apply to the opinion of the committee in reference to this transaction.

Mr. ORR. The House is now considering specifically a bill, and the remarks of the gentleman are not applicable to that bill.

Mr. OLDS. This bill is to prevent similar transactions in future.

Mr. ORR. My reason for making the point of order is, that if the gentleman from Ohio goes on with his remarks, some other gentleman upon the other side of the House must be heard upon the other side, and the merits of the particular bill before the House will not be at all enlightened by the discussion.

Mr. OLDS. I trust they will, before I get through.

The SPEAKER. The Chair understands that the bill before the House is reported from a committee appointed to investigate the very transaction to which the gentleman from Ohio refers.

Mr. ORR. What is the bill before the House?

The SPEAKER. It is a bill to punish offenses such as the gentleman from Ohio [Mr. OLDS] is now discussing; and the Chair thinks the gentleman is not exceeding the limits generally allowed in debate.

Mr. ORR. I do not perceive the pertinency of the gentleman's remarks to the bill under consideration.

The SPEAKER. The Chair thinks the gentleman is arguing the necessity of the bill, and that his remarks are pertinent.

Mr. OLDS. Mr. Speaker, that the gentleman from New York [Mr. BROOKS] may see his error, and that the country may know in what manner the Committee of Investigation have acquitted Mr. Corwin, and turned back upon me the odium of Gardinerism, I shall direct the attention of the House to the phraseology of the resolution under which the committee was raised. It is as follows:

"Resolved, *That a committee, consisting of five members of this House, be appointed by the Speaker to investigate all the facts touching the connection of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee, he purchased and held, either directly or indirectly, in said claim, and the amount paid or stipulated to be paid therefor; at what time he ceased to act as the counsel or agent of the said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one fourth interest in said claim.*"

This, sir, is the language of the resolution. It constituted the committee, and it pointed out distinctly and specifically the duty required by the House to be performed by the committee.

First. The committee was required to investigate Corwin's connection with the Gardiner claim generally.

Second. The committee was to ascertain his (Corwin's) fee interest in the claim.

Third. The committee was to ascertain what interest he (Corwin) had in the claim, other than his fee interest.

Fourth. The committee was to ascertain the

amount paid, or stipulated to be paid, for such interest.

Fifth. The committee was to ascertain at what time he (Corwin) ceased to act as the agent or counsel for Gardiner.

Sixth. The committee was to ascertain to whom and for what consideration he (Corwin) dispesed of his fee interest, and to whom and for what consideration he had disposed of his one fourth interest in said claim.

These, sir, were the specific duties referred by the House to the committee; all the facts touching these specifications the committee were required to investigate and report to the House.

If, as the gentleman from New York charges, the committee have exonerated Mr. Corwin, "and turned back upon me the odium" of Gardinerism, it must be found in their action and report upon these specifications.

Pardon me, then, Mr. Speaker, for trespassing upon the time of the House, in applying to each inquiry and specification the finding of the committee; for by this course, without the intervention of pensioned letter-writers, we shall be able to understand who has been exonerated, and upon whom the committee "have turned back the odium."

First. The committee was required "*to investigate Corwin's connection with the Gardiner claim*" generally.

That duty, sir, the committee performed; that investigation the committee made. But do they exonerate Mr. Corwin from all connection with the claim, and thus roll back upon me the odium of being Mr. Corwin's slanderer? No, sir; on the contrary, the committee say, that—

"In May, 1849, the Hon. Thomas Corwin, then a member of the United States Senate, was employed as counsel in the Gardiner claim by General Waddy Thompson, the original counsel of Gardiner, upon an agreement that Mr. Corwin should have for his fee five per cent. on whatever sum should be awarded to Gardiner by the commissioners. In February, 1850, Thomas Corwin, in company with Robert G. Corwin, Esq., purchased one fourth part of the claim of Gardiner, and this fourth part of said claim was assigned on the 13th of that month to W. W. Corcoran, Esq., who loaned money to the Messrs. Corwin to purchase it, and held the claim for Messrs. Thomas and Robert G. Corwin, in equal shares, as collateral security for the payment of the loan. The Messrs. Corwin paid $22,000, and relinquished their fees on the one fourth of the claim purchased by them, and paid a part of Edward Curtis's fees—what amount does not appear—as the consideration for the purchase."

Call you this, sir, exonerating Mr. Corwin from all connection with the Gardiner claim? Call you this "turning back upon me the odium" of Gardinerism?

Secondly. The committee was "*to ascertain his (Corwin's) fee interest in the claim.*"

On this specification the committee say, "that 'Mr. Corwin was employed as counsel in the 'case by General Waddy Thompson, upon an 'agreement that he (Corwin) should have for his 'fee five per cent. upon whatever sum should be 'awarded to Gardiner by the commissioners." Is this exonerating Mr. Corwin from having a fee interest, and "turning back upon me the odium?"

Third. The committee was "*to ascertain what interest he (Corwin) held in the claim other than his fee interest.*"

The committee say, that "in February, 1850, Thomas Corwin, in company with Robert G. Corwin, purchased one fourth part of the Gardiner claim."

Call you this, sir, exonerating Corwin from being a part owner of this most fraudulent claim? Call you this turning back upon me the odium?

Fourth. The committee was directed "*to ascertain the amount paid, or stipulated to be paid therefor, and the conditions of said purchase.*"

The committee say: "The Messrs. Corwin paid $22,000, and relinquished their fees on the one fourth of the claim purchased by them, and paid a part of Edward Curtis's fees." The committee; in speaking of the final distribution of the claim, further states, that "the sum of $94,582 was paid to counsel, and $107,187 50 was paid to the assignees of the one fourth of the claim originally sold to Thomas Corwin and Robert G. Corwin."

Call you this, sir, exonerating Mr. Corwin, "and turning back upon me the odium" of Gardinerism?

Fifth. The committee was directed "*to ascertain at what time he (Corwin) ceased to act as the counsel or agent of the said Gardiner, and to whom and for what consideration he disposed of his fee interest, and to whom and for what consideration he disposed of his one fourth interest in said claim?*"

In reply to this specification, the committee say:

"The Hon. Thomas Corwin resigned his seat in the Senate, and accepted the appointment of Secretary of the Treasury, in the month of July, 1850. In the same month and previous to his going into the Cabinet of President Fillmore as Secretary of the Treasury, a sale of his fee interest in, and also of his half of the one fourth part of the Gardiner claim, was negotiated through the intervention of Governor John Young, of New York, to George Law, Esq., of New York."

Inasmuch, sir, as Mr. Corwin and his friends claim his acquittal upon the score of this pretended sale, it merits a more extended comment. I am unable to perceive, even admitting the sale to be genuine, how this makes his acquittal. The resolution of inquiry implies, just what Corwin claims, that a sale of his interest in these Mexican claims was really consummated. This is what public rumor charged, and this was my own belief at the time I called for the investigation.

But, sir, let us examine this pretended sale, and see what it really amounts to.

In July, 1850, Mr. Corwin accepted a seat in Mr. Fillmore's Cabinet; prior to which a verbal contract or sale was made of his interest in this, as well as his other Mexican claims; but, sir, it appears from the report of the committee, that this sale made in July, 1850, was not consummated until November, 1850—full four months after Mr. Corwin had entered the Cabinet of President Fillmore. The committee say:

"The assignment of his fee interest and his interest in the one fourth part of the Gardiner claim, and all his interest in all other claims before the Board of Commissioners, (thirty-seven in number,) was executed by Thomas Corwin to Jacob Little, of New York, in November, 1850, and the money for the purchase was then paid by George Law, to whom the assignment to Jacob Little was at that time transferred. The money for the sale, $80,357, was received by Thomas Corwin, and on the 23d of November was deposited by him to his credit with Messrs. Corcoran & Riggs."

Mr. BROOKS. I do not desire to interrupt the gentleman further than to request that he will extend the quotation he has just made.

Mr. OLDS. I wish, Mr. Speaker, that my time would permit me to read the whole of the report of the committee, and every word of the evidence upon which that report is predicated. It should be read, sir, not only by every member of this House, but by every citizen of the United States. The gentleman can do much towards accomplishing this object by giving the report and testimony a publication in his newspaper. Dare he do it?

Why, sir, was the consummation of this bargain, made in July, the consideration of which amounted to more than $80,000, delayed until November, a period of full four months? Does not this transaction, sir, carry upon its very face the evidence that the bargain made in July was a pretense, a mere farce? Why, sir, this sale covered Corwin's half of the one fourth interest, and his half of the fee interest. For these two interests he had only paid a little over $11,000; and yet, with all the uncertainty that hung over this claim at the time that Corwin purchased it, still hanging over it, it is pretended that Jacob Little, a cunning, crafty Wall street broker, and George Law, one of the shrewdest speculators in all the country, stipulated to pay the enormous sum of more than $80,000.

Why, sir, if anything more were necessary to show that this pretended sale was a mere farce, it will be found in the following extract from the speech of Robert Corwin, made in Lebanon, Ohio, Mr. Corwin's own town, and published in the Cincinnati Gazette, and other Whig journals in Ohio. Robert Corwin says that:

"In July General Taylor died, and the administration of the Government devolved on Millard Fillmore, who, in looking about him for his constitutional advisers, solicited Thomas Corwin to accept a post in his Cabinet as Secretary of the Treasury.

"In this request he was joined by Daniel Webster, but Mr. Corwin replied that he was interested in a private claim against the United States Treasury; that Crawford had been charged with committing a wrong in being interested in a claim while a member of the Cabinet, and he would not place himself in a situation which would subject him to a similar charge. Several days elapsed, during which he was urged to accept the post, but peremptorily refused, until Governor Young, of New York—now in his grave—came forward and proposed to take Mr. Corwin's interest in all the claims before the Board. Mr. Corwin did not know what was their value, and he proposed to take for his interest whatever sum Governor Young and myself should agree upon, but I found the Governor unprepared to pay so much as I considered the interest worth. I proposed myself to purchase Mr. Corwin's claim at the estimate I had proposed to Young, but to this he would not listen, stating that he still should be morally involved in the matter, for if I profited by the purchase he knew I would share it with him, and if there was a loss upon it he would be unwilling that I should bear the loss."

Mr. Speaker, is not this really a very pretty little farce? Why, sir, analyze it, and see its various parts.

Corwin felt that he would be liable to censure, if he accepted the Treasury Department under Fillmore, still holding an interest in claims against that Treasury. The verdict of the people upon Crawford's conduct, flashed vividly across his mind. Sir, it could not well be otherwise; for he had just witnessed the inauguration of President Fillmore. He had just seen Fillmore enter this Hall to receive the oath of office, followed by the Cabinet of the deceased Taylor; and the murmur from yonder gallery of "there come the Galphins," which reached every part of this Hall, was still ringing in his ears. The suspicions of the people must be quieted by at least the semblance of a sale.

He felt, too, that a sham sale to his nephew and partner would evoke rather than quiet the suspicions of the public. In this extremity, through Governor Young, George Law is made to play the part of "dummy." Bob Corwin would convey the impression that Governor Young was himself the purchaser, though the committee assign him the position of negotiator, or rather that of a "go-between."

"But I found the Governor," says Bob Corwin, "unprepared to pay as much as I considered the claim worth." No doubt, sir, that Governor Young, seeing this claim enveloped in all the doubts and difficulties that hung over it at the time the Corwins purchased it, was unprepared to raise its value from $11,000 to $80,000. Consequently, by their own showing, this pretended sale remained incomplete and inoperative until these doubts and difficulties were removed. Messrs. Little and Law were too shrewd operators to place their signatures to an instrument binding themselves to pay any stipulated sum, much less the enormous sum of $80,000, until they had some reliable basis upon which to estimate the value of the purchase.

Why, Mr. Speaker, no man can peruse the testimony of George Law and Robert G. Corwin, witnesses sworn at the instance, and to give evidence for, Mr. Corwin, without a settled conviction upon his mind, that the sale in July was a mere pretense, made expressly to deceive and mislead the public mind.

Corwin, though he sold the claim unconditionally, had no knowledge of the amount he was to receive for it; and George Law, the pretended purchaser, though he bought the claim unconditionally, had no knowledge of the amount he was to pay for it; and yet we are told that Corwin had "washed his hands of all interest in these claims" before entering the Cabinet of President Fillmore. True, sir, Mr. Corwin had nominally sold his claims; but I ask every candid unprejudiced mind to tell me whether or not Corwin's real interest in these claims was not precisely the same after, that it was before this pretended sale,—ay, sir, up to the time that Governor Young and Co. fixed and reported to the parties the price to be paid as the purchase money for these claims?

Suffer me, sir, to call the attention of the House to a few extracts from the testimony of the witness referred to. George Law says:

"Soon after General Taylor's death, in the month of July, 1850, I was here in Washington. Governor Young, of New York, called at my room at the National Hotel. He said he had a friend who was offered a seat in Mr. Fillmore's Cabinet, and who had some interest in claims that were then known as 'Mexican claims,' and that were to be settled by a commission; and that this friend, from feelings of delicacy, would not take a seat in the Cabinet whilst he was interested in such claims. Governor Young was desirous to relieve him from that objection. I asked him if he thought that was the only obstacle in the way. Governor Young said that it was. I told him that if *he* (Governor Young) desired, I would purchase those claims. He said that he did, but that the purchase must be unconditional; because he was satisfied that if there was any understanding about the claims if not realized, his friend would not take the place. I told him that there was no necessity for any contingency about them, and that I would leave it to him (Governor Young) to say what the value of the claims was, and I would purchase them at his valuation. Governor Young said he presumed that would be satisfactory;

that the friend to whom he had reference was Mr. Thomas Corwin, and that he would go and see him. Governor Young went awny. I am not sure whether it was the same day or the next morning that he returned and said that it was satisfactory to Mr. Corwin to leave it to him (Governor Young) to determine what the value of the claims was; and Governor Young said, if I was satisfied, it should be the understanding. I told him I was satisfied. Governor Young afterwards brought me a valuation of the claims, (this was along that season,) and I paid about $80,000 for them. I recollect that there was an interest in the Gardiner claim included. I think it was in all a little over $80,000 (but not much) that I paid; but I cannot say how much I paid for the Gardiner claim in particular. I gave my check for the amount for all the claims, or Mr. Corwin's interest in them."

Again, Mr. Law says:

"I purchased those claims as a favor to Governor Young, who was a friend of mine, and in whom I had entire confidence. He seemed to be desirous and anxious to relieve Mr. Corwin from this embarrassment, in the way of going into the Cabinet. Witness had very little acquaintance with Mr. Corwin—he knew him by sight; but he (the witness) would have done the same thing for any other person to oblige Governor Young, having full confidence in him." * * * * * * * * *

"I did not know anything of the value of the claims, except what was stated to me by Governor Young. My object was not to make or lose money, but to do Governor Young a favor." * * * "I made the purchase, relying upon Governor Young's judgment and integrity. I did not undertake to go into the matter in detail."

Now, Mr. Speaker, what is the only true inference to be drawn from such testimony? Why simply this, sir: Governor Young, the sub-treasurer of New York, the custodian of the Government money in that city, was the personal friend of Mr. Corwin. Perhaps, sir, his continuance in the office of sub-treasurer depended upon Corwin's assuming the control of the Treasury Department. Perhaps, too, sir, the fact of Governor Young's being the sub-treasurer, and controlling the enormous revenues of the Government in New York, will explain George Law's great confidence in, and extreme willingness to oblige him. Perhaps, sir, Governor Young's control of the Government money made it necessary, to save appearances, to use George Law, or some other third person, lest it might be said that the Government money, in the hands of Governor Young, had been used in this transaction. Perhaps the fact that George Law was one of Governor Young's sureties, his name being upon his official bond for $400,000, will account for his great confidence in the Governor, and the loose and unbusiness-like manner in which, by his own showing, he seems to have conducted this whole transaction.

Be all these conjectures as they may, there can be no doubt but that Governor Young was extremely anxious to have Mr. Corwin enter the Cabinet of President Fillmore; and in order to relieve his "feelings of delicacy," undertakes to negotiate a sale of Corwin's interest in these various Mexican claims. And to oblige Governor Young, without any investigation or examination, the sagacious George Law agrees to purchase those claims. This he does without the least anxiety or hesitation, as Governor Young is to assess their value. This, too, is satisfactory to Mr. Corwin, inasmuch as the claims are to remain untransferred, and his partner and nephew is also to assess their value. Mr. Corwin's "feelings of delicacy" are relieved, and he takes his position in the Cabinet. Governor Young and Bob Corwin wait until the award of the claims commission is known, or as Mr. Law says, until "*some time along that season*," and then they assess the value; and then, and not till then, the contract is consummated and the bargain reduced to writing. The precise time, the committee inform us, was in November, more than four months after Mr. Corwin had entered the Cabinet of President Fillmore.

Mr. Speaker, a careful reading of this testimony has satisfied me that Governor Young, Mr. Corwin's sub-treasurer in New York, and not George Law, was the real purchaser of Corwin's interest in these Mexican claims, if such a loose unbusiness-like transaction as this could be dignified with the name of a sale. The extracts already read from Mr. Law's testimony lead the mind imperceptibly to this conclusion; and the following extract from the testimony of Robert G. Corwin, taken before the committee, confirms the impression:

"*Robert G. Corwin* appeared as a witness, and was sworn.

"*Question by Hon. Thomas Corwin.* Were you concerned with me, as counsel, in prosecuting claims before the late commission under the treaty with Mexico? If so, state whether I sold out all my interest in those claims, and when, and to whom.

"*Answer.* I was concerned with you in the prosecution of claims up to the time when you went into the Cabinet of Mr. Fillmore. Your interest was sold prior to your going into the Cabinet, and your interest was represented afterwards by Governor John Young, of New York. I don't know exactly by whom the whole arrangement was made with Governor Young. The assignment of his interest was made to Jacob Little; he afterwards transferred his interest in these claims to George Law. I understood that Young was the negotiator, and that the assignment was made to Little to enable Young to get the money from him fairly; then it was transferred to Law, from whom the money was received. The sale was made prior to the organization of Mr. Fillmore's Cabinet, which was some time in July, 1850; but it was agreed that Governor Young and myself should estimate the value of your interest in all the claims you were concerned in. We were concerned in thirty-seven claims in all. We, Governor Young and myself, concluded the examination of all the papers, and made out the estimate a short time prior to the next regular session of the board in November, 1850."

Now, Mr. Speaker, I ask, in all fairness, does not this case really assume this one aspect? Corwin must sell his interest in these claims before entering the Cabinet of President Fillmore. Consequently, he sells to Governor Young at such price as Governor Young himself, and Robert G. Corwin should fix upon them; giving them time to wait until the award of the commissioners should be known, before fixing the value. And then, as Governor Young was Mr. Corwin's sub-treasurer in the city of New York, George Law, the intimate friend and surety of Governor Young, is used to throw an obscurity over the transaction, and give it the semblance of a sale.

Why, sir, when you have exposed and set aside George Law's connection with this transaction, you have taken from it the veil of obscurity, and it stands, like Moore's Prophet when the veil was lifted, exposed in all its "hideous deformity." And yet, sir, this is what the gentleman from New York calls exonerating Mr. Corwin, "and turning back upon me the odium!"

These five specifications, Mr. Speaker, in the very order in which I have named them, embrace all the duties imposed by the resolution of the House upon the Committee of Investigation. That resolution, sir, nowhere charged the committee with the duty of inquiring into Corwin's knowledge of the fraudulent character of Dr. Gardiner's evidence. No such specification is made in the resolution, and as a matter of course no testimony was adduced before the committee to establish any such inference or implication. If any such thing had been attempted, Mr. Corwin, if he chose, could at once have objected to the jurisdiction of the committee, and have told them that they were going beyond the duty assigned them by the House.

Mr. BROOKS. Will the gentleman from Ohio allow me to read the preamble to the resolution?

Mr. OLDS. Certainly, sir.

Mr. BROOKS. It is as follows:

"Whereas, a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commissioners, with one of which it is suspected Thomas Corwin, Secretary of the Treasury, has been improperly connected; therefore," &c.

Will the gentleman from Ohio incorporate it in his speech?

Mr. OLDS. Certainly I will. But, Mr. Speaker, it does not in the least change the interpretation of the resolution, neither does it in the least change the character of the specifications against Mr. Corwin.

Why, sir, the committee do not hesitate to say that the commissioners allowed fraudulent Mexican claims. The suspicions of the public then, as affirmed in this preamble, were well founded. Is it not, sir, equally as clear, that the connection of Mr. Corwin with one of them, as affirmed in the preamble, was improper? If not, sir, why do the committee, as they have done in the bill now under consideration, seek to make, in future, precisely such a connection, a misdemeanor, even though the claim may not be a fraudulent one? Mr. Corwin, sir, is welcome to the full benefit of all his friends can make out of this preamble.

Now, sir, with these facts before us, will the honorable gentleman from New York, or any honorable gentleman, rise in his place and say, that the committee have not fully sustained every specification made in the resolution of the House? I may, perhaps, be told that, in the remarks which I had the honor to submit to the House, at the time I introduced the resolution calling for this committee of investigation, I made certain charges against Mr. Corwin, which the committee felt itself called upon to investigate; and that upon those charges they have acquitted Mr. Corwin, and "turned back upon me the odium" of being an "infamous slanderer."

On the 5th of March last, in my remarks in this House upon the land bill, I charged that Corwin had been employed in this case, that it might receive the aid, not of his legal abilities, not of his great eloquence, but of his political position, and the influence of his great name. He is not charged with being a party in the fraud, but the charge is, that he sold his political position and political influence in aid of a claim, fraudulent in itself, and sustained by perjured testimony. I repeated the same language, showing my precise meaning in the remarks I submitted at the time of calling for the committee of investigation. That I may place myself right, and be correctly understood, I will read from the remarks then made, as reported in the Congressional Globe, page 2303, part 3d of the 24th volume, and repeated in the Appendix to the same volume, page 266:

"Sir, let me divert the attention of this committee for a single moment to charges that common rumor fasten upon the present Secretary of the Treasury, and which the country demand to have investigated by this Congress. I refer, sir, to his connection with the Gardiner claim. Public rumor charges, sir, that Mr. Corwin received $79,000 as the agent of this Gardiner claim. Now, sir, the inquiry naturally arises, Why did Mr. Gardiner stipulate to pay Mr. Corwin this enormous fee? Was Mr. Gardiner so dumb that he could not act as the agent of his own claim? Not so, sir; he is a man belonging to one of the liberal professions, and cannot be supposed to be devoid of common sense; and, sir, if his claim was a just one, he could himself present it before the proper tribunal and ask a decision upon its merits. But if his claim was bad, he would naturally desire to bring the stronger influence to its support. He could not have selected Mr. Corwin because of his great eloquence; for, sir, a plain, simple statement of facts was all that was allowed before the tribunal. He could not have selected him on account of his legal acumen in taking and arranging testimony, for, sir, this case was prepared and the testimony taken in Mexico; and every one knows that Mr. Corwin, though a great favorite in Mexico in consequence of 'his bloody hand and hospitable grave' sentiments, was never in Mexico. Nay, more, sir; a grand inquest of the country, upon their oaths, have said that this whole case is a forgery. Why, then, sir, was Mr. Corwin selected? The answer is obvious: Mr. Corwin is a great man with his party. He has been made so, sir, by the Whigs of Ohio. They made him their Representative first in this House; then, sir, they made him their standard-bearer of the party in Ohio, by selecting him as their candidate for Governor; then, sir, they sent him to the Senate of the United States. But this is not all; he was at one time the favorite of his party in Ohio, as a candidate for the Presidency. His name, in connection with that office, was at the mast-head of his party press. Sir, Mr. Gardiner, as a shrewd man, knew all this. He knew that this man must be possessed of great influence with a Whig Administration; and for the exercise of this influence, for the power of this position, Mr. Gardiner could afford to give Mr. Corwin $100,000, if thereby he could get allowed his claim of $480,000. But, sir, in what light does it present Mr. Corwin before the country? The people had sent him here to guard their interests; they were paying him eight dollars per day to watch the National Treasury; they supposed, sir, that with the vigilant and ever-watchful eye of Mr. Corwin upon the Treasury, all would be safe. But, sir, rumor says that they were mistaken in their man; for whilst receiving pay from the people to watch and guard their Treasury, this Mr. Gardiner, knowing his man, feed him on the other side—he outbid the people. Gardiner's $100,000 was as omnipotent over your National Treasury as was the 'Open sesame' of Ali Baba over the cavern of the 'Forty Thieves.'"

Mr. Speaker, the evidence of General Thompson himself, as well as that of Edward M. Johnson, the secretary of the board of Mexican claims commission, fully demonstrate it was political influence that Gardiner desired to aid and strengthen his claim, and not forensic eloquence or legal accumen.

Johnson, in his testimony, says:

"After the first instances, the board became satisfied that Dr. Gardiner himself understood his own case better than anybody else, and that the best means of arriving at the truth would be to receive his own statements, and cross-examine him on all these points."

Gardiner, then, was fully competent to the management of his own case; and in the selection of his counsel and agents, his object was to secure the aid of such persons as had power and influence with the commissioners.

This is shown in the testimony of Waddy Thompson, who, in speaking of the employment of Major Lally, a near connexion of one of the commissioners, says:

"Some time in the fall of 1849, or early in 1850, Dr. Gardiner called at my room and told me that he had been advised to employ Major Lally in this case. I protested strongly against it, and said it would be an act of great injustice to me to do so—to employ him or anybody else without my consent. I knew nothing of Major Lally or his character which would justify any imputation on that account, but I knew that such imputations would be made, as he was nearly connected with one of the commissioners, and, as I had been informed, was not a lawyer; and that he, Gardiner, had certainly counsel enough."

Gardiner, Mr. Speaker, most undoubtedly employed all these men, and gave them most enormous fees, that he might have the influence, not only of their political, but also of their personal position, in aid of his doubtful and fraudulent claim.

The charge against Mr. Corwin was, and is, that he sold his political position, being United States Senator, and his great personal influence with the Whig commissioners, in aid of a claim, fraudulent in itself, and sustained by perjured testimony.

I am aware, sir, that my colleague, [Mr. CAMPBELL,] in a speech delivered by him in this House in August last, by the quotation of a single paragraph from a speech of mine, made in July previous, not upon this subject, but upon the state of political parties, attempted to make me the accuser of Mr. Corwin, as being a party in the forgery and perjury committed in this case. In reply to my colleague on this precise point, I took particular pains to be correctly understood, and consequently put my exact meaning into the form of specific charges. They may be found on page 2303 of the 3d part of the 24th volume of the Congressional Globe. They are as follows:

First. "*That Mr. Corwin, while acting as Senator, and receiving eight dollars per day for watching and guarding the National Treasury, took a contingent fee, said to amount to $100,000, for the prosecution of a claim against that Treasury.*"

This specification, excepting so much as fixes the amount of Corwin's fee, is fully sustained by the committee, who say "that in May the Hon. 'Thomas Corwin, then a member of the United 'States Senate, was employed as counsel in the 'Gardiner claim by General Waddy Thompson."

Second. "*That when about to become the head of the Treasury Department, he sold his contingent fee to a citizen of New York for a large amount, said to be $79,000, and that said claim, amounting to nearly half a million of dollars, was paid upon the draft or warrant of Mr. Corwin.*"

The finding of the committee upon this specification has already been stated. It is, that "the 'Hon. Thomas Corwin resigned his seat in the 'Senate, and accepted the appointment of Secre-'tary of the Treasury, in the month of July, 1850. 'In the same month, and previous to his going 'into the Cabinet of President Fillmore as Sec-'retary of the Treasury, a sale of his fee interest 'in, and also of his half of the one fourth part of 'the Gardiner claim, was negotiated through the 'intervention of Governor John Young, of New 'York, to George Law, Esq., of New York;" and further, that "the money for the sale, $80,357, 'was received by Thomas Corwin, and on the '23d of November, was deposited by him to his 'credit with Messrs. Corcoran & Riggs."

Third. "*That Thomas Corwin and Robert G. Corwin, his nephew, through Mr. Corcoran, purchased the one fourth interest of this claim for the sum of $15,000. That with this $15,000 Dr. Gardiner twice visited Mexico in the preparation of his papers and evidence, to be presented to the Board of Commissioners.*"

I have already shown, from the report of the committee, that Thomas Corwin and Robert G. Corwin purchased the one fourth of the Gardiner claim for a sum of over $22,000 instead of $15,000. The report of the committee also shows that after receiving this money, Dr. Gardiner proceeded to Mexico to complete his testimony. But to substantiate fully the charge that with this money Dr. Gardiner proceeded to Mexico with the instructions of General Thompson and Thomas Corwin in his pocket, allow me to refer again to Robert G. Corwin's Lebanon speech, in which, in speaking of the necessity of procuring additional testimony from Mexico, he says:

"Dr. Gardiner was now in an embarrassed condition. The destruction of his property in a foreign country had left him almost destitute. As one of the consequences, he had left the country largely in debt, and deemed it unsafe to return in his present condition His old friend Perez Galvez was dead, and he had no powerful friends in Mexico on whom he could rely. He had no money for so expensive a journey. In this dilemma, General Thompson and myself both endeavored to negotiate a loan for him, and failed. We also failed in our efforts to sell a share of the claim. Capitalists were afraid to invest, because, as they remarked, the commissioners had yet several months to sit, and in the mean time it might occur that Gardiner's claim lacked support, and the board had the power to revoke all it had done in his regard. At this time Dr. Gardiner came to me and insisted that I should purchase a share of his claim. At first averse to the proposal, my objections were gradually overcome, and I purchased one fourth of Dr. Gardiner's claim for the sum of over $40,000. This being a larger amount than I could command, and one half being a cash payment, I raised the money by getting my friends in Washington and Ohio to indorse my paper. Among others, I asked Thomas Corwin, and you know Corwin signs everybody's note.

"After this I proposed to Mr. Corwin that as we had been associated as lawyers in the case, and heretofore in business, he should join me in my purchase of an interest in the Gardiner claim. He did so after weighing the matter in his own mind, and finding no valid objection to such a course. This was in March, 1850."

Again, in his testimony before the committee, Robert G. Corwin says:

"I purchased the one-fourth of his claim. His reason for selling it was to raise money to go to Mexico and get this additional proof."

There is not a remaining doubt, then, but that, as charged, this sale was made in consequence of Gardiner's necessity to have money to visit Mexico. And the fact is equally as well established, that, with this money, he actually visited Mexico, with the instructions of Corwin and Thompson in his pocket, and that he returned with his forged testimony.

Fourth. "*That Dr. Gardiner's claim was founded upon his right to a silver mine in Mexico, from which he alleges he was expelled by the Mexicans.*"

The committee say:

"The claim of George A. Gardiner was a claim for damages alleged to have been sustained by him, by reason of his expulsion, on the 24th day of October, 1846, by the Mexican authorities, from mines which he alleged he was extensively engaged in working in the State of San Luis Potosi, in Mexico."

Fifth. "*That no such silver mine as the one claimed by Dr. Gardiner, ever existed.*"

Upon this specification, the committee say:

"Upon examination of the evidence taken by them, it appears from the testimony of José Antonio Barragan, that he is well acquainted with the place in the department of Rio Verde, State of San Luis Potosi, in Mexico, where Gardiner's evidence locates his mine; that there are silver mines in the State of San Luis Potosi, but that there is none at that place, or in the department of Rio Verde."

Again, the committee say:

"Two witnesses, John Baptiste Barragan and Pantaleon Galvan, testify to the forgery of the documentary evidence of Gardiner; and both testify that they are acquainted with the locality of Laguinillas, in the State of San Luis Potosi, and that there is no silver mine there. These three witnesses are Mexicans, residing in the vicinity where Dr. Gardiner's testimony locates his mine; they are all gentlemen of character and respectability in their own country. The first named, José Antonio Barragan, held, from 1843 to 1846, the office of collector of the customs at Rio Verde. Laguinillas belongs to this district. He now holds the office of comptroller general of the State of San Luis Potosi. They all came to the United States as witnesses, under an arrangement made by George W. Slacum, Esq., an agent of the United States Government, who went by direction of Hon. R. P. Letcher, the American Minister in Mexico, to the State and city of San Luis Potosi, for the purpose of investigating the character of the claim of George A. Gardiner, and the Meare claim, and obtaining testimony in relation to them."

The Sixth and last charge. "*That the evidence upon which the Mexican claims commissioners awarded nearly half a million of dollars to Gardiner, Corwin & Co., was a forgery from beginning to end.*"

I have already shown from the finding of the committee, that "John Baptiste Barragan and Pantaleon Galvan, gentlemen of character and respectability, testify to the forgery of the documentary evidence of Dr. Gardiner."

The committee add:

"From the evidence before the committee, (the above being only a summary of the more important facts testified to by the witnesses,) the committee are constrained to believe, upon the first branch of the investigation committed to them, that the claim of George A. Gardiner, upon which an award was made by the Board of Commissioners for the sum of $428,750, was sustained before the commissioners by false testimony and forged papers, and is a naked fraud upon the Treasury of the United States."

These charges, Mr. Speaker, let it be recollected, were drawn up before the taking of any testimony in this case. And yet, sir, every one must admit, from the finding of the committee, after having all the testimony before them, that if they had desired to put the facts of this case, as they report them, into specifications for the purpose of introducing articles of impeachment against Mr. Corwin, they would have used the language, and made the specifications as I have made them. And yet, sir, the gentleman from New York would call this an honorable acquittal of Mr. Corwin, and "turning back upon me the odium by my own party."

Mr. Speaker, I will not say that at the time I offered the resolution calling for this committee of investigation, that I had not a settled conviction upon my mind, that Corwin must have known, or at least have strongly suspected, the fraudulent character of this claim. That conviction has not been changed, but greatly confirmed, by the evidence reported by the committee. But, sir, notwithstanding these convictions, I had no purpose of making any such charge in the resolution, knowing the utter impossibility of proving a man's thoughts or impressions. Nothing in the language of the resolution, or in the remarks with which I accompanied the resolution, can be construed into such a charge. Upon this precise point, sir, in commenting upon my colleague's account of Corwin's connection with this transaction, in which I supposed he had involved himself in seeming contradictions, I used the following language:

"What, sir, is to be the interpretation of these contradictory statements? I fear me, sir, that my colleague himself will convict Mr. Corwin of being a party to this fraud. I fear me, sir, (that from my colleague's own showing,) this case is likely to be far more serious upon Mr. Corwin than his worst enemies had apprehended."

This language does not look as though I desired, at that time, making Corwin a party to the fraud. I repeat, sir, no matter what might have been my settled convictions, this language shows that I designed making no such charge. It shows, sir, that I designed imposing no such inquiry upon the committee. Yet, sir, because the committee inserted in their report, a paragraph simply stating the fact that "no testimony has been ad-'duced before the committee proving, or tending 'to prove, that the Hon. Thomas Corwin had any 'knowledge that the claim of the said Gardiner 'was fraudulent, or that false testimony or forged 'papers had been, or were to be, procured to sus-'tain the same," I am to be told that the committee have acquitted Mr. Corwin of the actual charges, "and turned back upon me the odium." Why, sir, I never for a moment supposed that the cunning, sagacious Corwin, had so committed himself, as that his knowledge of the fraud would be proved. He would have been a fool, indeed, had he not well covered up his tracks; and notwithstanding he was surrounded by his friends and accomplices, kept his own secrets closely locked up in his own bosom. But, sir, apply to Mr. Corwin a principle universal in your courts of judicature, "that a man's inward intentions shall be judged by his outward acts," and then tell me if you can, sir, that Corwin has established his honest intentions, and vindicated his innocence.

But, sir, the committee do not undertake to say that Corwin had no such knowledge. They merely assert a fact, viz: that no such evidence was adduced before the committee. Upon the contrary, the inference to be drawn from the declaration and the action of the committee is, that they did infer that Corwin must have had suspicions, amounting almost to a certainty, that the whole case was a fraud. For it must be admitted upon all hands that the commissioners who allowed the claim had no better information as to the character of the claim than had Mr. Corwin, the confidential counsel and agent of Mr. Gardiner.

It is not to be presumed that Mr. Corwin would have purchased one fourth of so large a claim without having as closely scrutinized its validity and honesty as did the commissioners. Neither is it to be presumed that if the case had been devoid of suspicion that the Messrs. Corwin could have purchased one fourth of $428,000 for the sum of $22,000.

The committee do not hesitate to censure the commissioners. Does not that censure apply equally as strong to Mr. Corwin? They say:

"The committee, at the same time, are of opinion that there were circumstances developed during the course of the trial which should have induced the Board of Commissioners to have given the case a more thorough investigation.

"It is in proof, from the testimony of the secretary of the board, that the claim was suspected by the board from the first, and that Gardiner was frequently called on for explanations."

Were not these circumstances and suspicions as well known to Corwin as they were to the commissioners? To suppose anything else, is to deny to him that sagacity which his friends so fully accord to him.

Mr. Speaker, the committee do not undertake to say that Corwin had no knowledge of the fraudulent character of this claim. They merely assert the fact that no such evidence was presented to the committee. But, sir, is it not fair to infer the opinion of the committee as to the guilt or innocence of Mr. Corwin from the recommendation made by the committee to the House? That committee, sir, had been appointed and instructed to investigate Corwin's connection with the Gardiner claim. And what is their finding? Why, that Corwin, whilst acting as Senator, had been connected with this claim as the agent or counsel of Gardiner; the committee find, sir, that the Messrs. Corwin had a large fee interest in the claim; they find, sir, that Thomas Corwin and Robert G. Corwin had purchased the one fourth of this claim; they find that the claim was most fraudulent; and they find that it was sustained and allowed upon forged testimony. And what do they do, sir? Why, they report the facts to this House, and they accompany that report with a bill making the recurrence of just such transactions as Corwin had been guilty of a misdemeanor, and punishable with fine and imprisonment.

Mr. Speaker, every line, every word of that bill speaks trumpet-tongued the opinion of the committee as to the guilt or innocence of Mr. Corwin. The very caption of the bill has a significance in it not easily misunderstood. Listen to it:

"MR. PRESTON KING, from the Select Committee appointed to investigate the connection of the Hon. Thomas Corwin with the Gardiner claim, reported the following bill."

A bill for what, sir? Why, "A bill to prevent frauds upon the Treasury of the United States."

Does not this imply that a fraud had been committed upon that Treasury? And does it not connect Mr. Corwin with that fraud? Mr. Speaker, let me ask honorable gentlemen to listen to the reading of the bill, section by section, and then let them say if it is not a most fearful censure cast by the committee upon Mr. Corwin for his connection with the Gardiner claim:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor; and all powers of attorney, orders, or other authorities, for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

SEC. 2. *And be it further enacted*, That any officer of the United States, or person holding any place of trust or profit, or discharging any official function, under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, who, after the passage of this act, shall receive any gratuity from any claimant against the United States, or shall act as an agent or attorney for prosecuting any claim against the United States, or shall in any manner, or by any means otherwise than in the discharge of his proper official duties, aid or assist in the prosecution or support of any such claim or claims, shall be liable to indictment, as for a misdemeanor, in any court of the United States having jurisdiction for the trial of crimes and misdemeanors; and, on conviction, shall pay a fine not exceeding twice the amount of gratuity, fee, or compensation received by the person so convicted, or suffer imprisonment in the penitentiary not exceeding one year, or both, as the court, in its discretion, shall adjudge.

SEC. 3. *And be it further enacted*, That any Senator or Representative in Congress who, after the passage of this act, shall receive any gratuity from any claimant against the United States, or shall, for compensation paid or to be paid, certain or contingent, act as agent or attorney for prosecuting any claim or claims against the United States, or shall in any manner or by any means, for such compensation, aid or assist in the prosecution or support of any such claim or claims, shall be liable to indictment, as for a misdemeanor, in any court of the United States having jurisdiction for the trial of crimes and misdemeanors; and, on conviction, shall pay a fine not exceeding twice the amount of the gratuity or compensation received by the person convicted, or suffer imprisonment in the penitentiary not exceeding one year, or both, as the court, in its discretion, shall adjudge.

SEC. 4. *And be it further enacted*, That the provisions of this act, and of the act of July twenty-ninth, eighteen hundred and forty six, entitled "An act in relation to the payment of claims," shall apply and extend to all claims against the United States, whether allowed by special acts of Congress or arising under general laws or treaties, or in any other manner whatever; and every offense against the provisions of this act shall be a misdemeanor.

Call you this bill, sir, exonerating Mr. Corwin from all suspicions?

I will admit, sir, that if this bill had been reported from one of the standing committees of the House, the case would have presented a different aspect. But not so, sir. The bill comes from the committee appointed to investigate Corwin's connection with the Gardiner claim. If that connection had been all right and honorable, why has that committee reported this bill? Scrutinize this bill, sir; examine all its provisions. Why, sir, every section of it has been drawn by a master-hand, to meet precisely, and punish by incarceration within the walls of the penitentiary, exactly such a case as that presented by the committee against Mr. Corwin.

Mr. Speaker, if this committee designed exonerating Mr. Corwin from all censure, they have done him great injustice by reporting this bill. For it is impossible to separate Mr. Corwin's connection with the Gardiner claim, from the necessity which has called from that committee this most fearful and stringent bill.

And yet, sir, with all these facts staring him in the face, the gentleman from New York has the hardihood, may I not say the audacity, to tell this House and the country, that the committee have exonerated Mr. Corwin, "and turned the odium back upon me."

Why, sir, this bill, if it were a law, would not reach the case of any of the parties interested in the Gardiner claim, except the case of Thomas Corwin. It would not reach Waddy Thompson, for he is not a member of Congress. It would not reach Bob Corwin, or Mr. Curtis, or Major Lally. They are not members of Congress, neither are they connected with any of the Departments. If, then, the committee desired to exonerate Mr. Corwin from all censure, why do they seek to punish, by incarceration within the walls of a dungeon, any Senator or Representative in Congress, who shall do precisely what Mr. Corwin has done?

Suppose, Mr. Speaker, that this bill had been passed into a law, prior to Mr. Corwin's connection with the Gardiner claim, what would have been the consequence? Would he not have been indicted under it? Would he not have been liable to its pains and penalties? Mr. Corwin is innocent then, only from the fact, that we have no law to punish just such a case as the committee make out against him. But the committee recommend the passage of a law making it a misdemeanor, and punishable with fine and imprisonment, to do precisely what Mr. Corwin has done.

The truth is, Mr. Speaker, that a stupendous fraud has been perpetrated against the Government. The National Treasury has been robbed of nearly $500,000. So barefaced has been the fraud, that the committee informs us "that in 'July, 1852, the United States instituted a chancery 'suit in the circuit court of the District of Columbia, to enjoin in the hands of Corcoran & Riggs 'moneys and stocks belonging to G. A. Gardiner, 'to the amount of between $90,000 and $100,000; 'and also in the same month, in the circuit court 'of the southern district of New York, to enjoin 'in the hands of the New York Life Insurance 'and Trust Company moneys and stocks belonging to George A. Gardiner, to the amount of '$130,500."

Gardiner, it seems, sir, is to be made to disgorge his portion of this fraudulent claim—Gardiner is subjected to a criminal prosecution—Gardiner, the humble citizen, in all probability will be convicted, and suffer the extreme penalty of the law. But, sir, what will be, or rather, what ought to be done with the other parties interested with this stupendous fraud?

The Messrs. Corwin and Waddy Thompson, no matter what might have been their original impressions about this claim, are now fully aware that it was a naked fraud upon the National Treasury. Will they come forward like honest men and refund their portion of the plunder? or will they tighten their grasp upon their ill-gotten gain?

The committee, sir, have reported a bill to prevent and punish the recurrence of such transactions. Will this Congress content itself with the passage of this bill? Or in case of the neglect or refusal of Thompson, Corwin & Co. to refund, will it cause suits to be instituted against them, to recover back into the National Treasury their portion of this enormous plunder?

Be the action of Congress what it may, sir, I have discharged my duty, and am content to abide the result.

FOREIGN POLICY—CUBA.

SPEECH OF HON. E. C. MARSHALL,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

January 6, 1853,

In the Committee of the Whole on the state of the Union, on the conduct of the present Administration in regard to Cuba, and our foreign policy generally.

Mr. MARSHALL said:

Mr. CHAIRMAN: I had not wished or intended to claim the attention of the committee to the remarks I propose to make to-day. I had intended, and still intend (unless the duty is discharged by some one who can bring before the House the authority of a greater name) to offer a resolution to this effect: That the Committee on Ways and Means be directed to report a bill placing at the disposal of the President of the United States the sum of five or ten millions of money in the Treasury, and not otherwise appropriated, to meet any exigencies which may arise before the meeting of the next Congress in our foreign relations. I wished to have presented some such resolution in the House, not only that it might give rise to discussion of matters of a practical and important bearing on the interests of the country, but that such discussion might be followed by some action on the part of this House which would have significance before the people. I had hoped, and still hope, that a vote of the House, giving unequivocal expression of opinion upon practical questions will be taken, and I entertain the fullest confidence that that vote will have the happiest effect at home and abroad. The expression here in committee of abstract opinions on questions which may never arise, and which certainly will only arise in the remote future, is no part of my purpose to-day.

There are affairs now pending in regard to which the action of the Executive, so far as any action has been had, has been, as I think, and as I shall endeavor to prove, ruinous to the interests and fatal to the honor of the nation. Fortunately, our foreign policy may yet be changed, or rather, a foreign policy may be established consistently with the faith of treaties and all our obligations, while the public interests are protected and the national honor redeemed. The resolution which I propose to introduce will announce to the incoming Administration our perfect confidence in it, as the popular vote in the late election has done on the part of the people themselves. It is offered not as a war measure, but simply implies that a change of policy is desired, and that the Executive will have the support, the earnest and effectual support of Congress. A vote of confidence of this character is not without precedent in our history; and it is also established firmly in the Government from which many of our usages and laws are derived. I shall urge this measure upon the Democratic party as a peace measure, and one which strikes me as the most important upon which we shall have to act, in its effects upon our national character and national interests. The subject of our foreign relations has been introduced by gentlemen in committee, and questions have been debated which, although not identical with those which I think render necessary the vote of confidence of which I have spoken, are yet cognate questions; and as the points to which I attach the greatest importance have been almost neglected and doctrines inculcated of the worst influence upon the State which I represent, in part, I have determined to give my own views of those questions at this time, although I think the subject would have come up with more propriety and effect upon a resolution before the House. I shall call the attention of the committee to the diplomacy of this Government in the Island of Hayti and the Republic of Nicaragua, because there we have incurred the deepest shame and sustained the greatest loss, and because these evils are not without easy remedy;

and for the further reason that the State which I represent in part has a special and local interest in the policy of the Government as regards the Gulf of Mexico, its islands and shores.

It is true, as a general principle, that in a Confederacy like ours, the more remote members are, and ought to be, more jealous of the honor, and more sensitive to every indication of weakness of the Union, than those nearer the political and geographical center. *Civis sum Americanus* is uttered with more pride on the shores of the Pacific than the Potomac.

We lean upon the General Government for support; and nowhere within the ample boundaries of the Union does there exist the same sentiment of confiding dependence that we feel. At the same time there are none of the States which have felt with such poignant shame the sacrifice of honor and principle, and the deep humiliation, brought on us as a people by the present Administration.

We believe, we know, that there is strength enough in the Government, under a manly and patriotic Administration, to protect all its parts in all their rights. The eagle's wing is strong enough to bear its flight over the continent, and its beak and talons sharp enough to guard its charge, even though the lion of England should array himself against it in his acknowledged power.

The interest so universally felt in the subject of inter-oceanic communication, and much of that felt in regard to the islands and shores of the Gulf of Mexico, has arisen since, and depends on the acquisition of California. Commercial necessity forces us to transmit, monthly, nearly three millions of specie through an independent republic, and under the very guns of fortresses which have only to hold us in the contempt we have merited to become hostile; and the inestimable rights of every kind of our citizens are exposed through the same causes, and to the same dangers. I feel obliged, therefore, even on occasions not peculiarly appropriate, even when the effort will not be productive of immediate action, to assert the doctrines I hold, and to expose the imbecility and corruption, from which even now we are suffering. The Island of Cuba, and the possibility and probability of its annexation to the Union, and the policy of the Administration toward the Government on which it is dependent, have produced much debate. The danger of collision between Spain and ourselves seems to me to have passed for the present, and, right or wrong, the questions between us are settled. I do not think that in good faith the next Administration can, or that it will, assert any claim or principle likely to renew the late difficulties, or to change materially our relations with Spain or Cuba. I cannot see that any immediate necessity exists for a change in our policy, or that any practical question is likely to arise. Neither the next Administration, nor the present generation, will be called on to act in regard to it, and I am willing to leave it to the wisdom and courage and patriotism of those who will, by the course of events, and in the fullness of time, have to meet it. I cannot but allude to one significant fact, of which I have seen no explanation, which goes to prove that the Administration is by no means confident of the propriety of its course in the most exciting and threatening of the Cuban difficulties. The American Consul in Havana, who had pursued precisely the course consistent with the expressed views and instructions of the Government, who carried out with a tameness and cowardice, which should have made him Secretary of State, the will of the Executive, was by that very Executive dismissed with dishonor, and given over to the execrations of the whole unanimous people, without one word of explanation or defense.

The gentleman from North Carolina, [Mr. VENABLE,] who introduced this discussion, did not confine himself to an examination of the policy of the Administration in respect to Cuba, but went on to the assertion of general principles, which I was surprised to hear from him, and in which I by no means concur. That gentleman also indulged himself in a general reprobation of the doctrines of progress, and the plans of filibusters, and seemed to intimate a belief that some political party, or section of a party, were desirous of lawless conquest, and in favor of predatory incursions upon neighboring Powers, especially if those Powers were weaker than ourselves. Now, sir, let me say in behalf of Young America, and the progressives, with whose opinions I sympathize, that we desire to do no one thing which is not consistent with the sound principles of public law, and the rights of all our neighbors. That we do not desire war for conquest, or any purpose; that we regard it as the greatest evil, except dishonor. And further, that we advocate no measure of foreign policy which ought, or which we believe will, lead to war. We contend for no new doctrine; we merely insist upon the strict observance of principles well established by authority, and necessary for our own peace and safety. I shall, in another connection, state the doctrines to which I allude, while I now consider some of the leading propositions of the gentleman, [Mr. VENABLE,] which I believe constitute a faith common to the gentleman and the more conservative portion of the Whig party.

If I understood the gentleman, he was opposed to the annexation of Cuba at any time, and in any way, on the ground that the Union could not with safety embrace any additional territory. I will also state what I believe is the real operative reason of the objection of that gentleman. It is a conviction, now nearly universal, that the progress of slavery in American territory is arrested. That in all future acquisitions, from the operation of many active causes, the institution of slavery will not exist. It is clear that whatever the reason assigned, the ground of opposition to the acquisition of a country so manifestly advantageous to the South as Cuba would be, either as a free or slave State, is jealousy of the North.

Mr. Chairman, the time is past when the question of slavery in any territory about to be acquired, can produce the agitation and danger which has arisen from it. The principle is settled by the compromise, that the citizens of such territory, at the time, shall determine for themselves this question; and if the North should, by its greater energy and aptitude for emigration, acquire the popular power, and the right under the rule so settled by the compromise, to declare any territory seeking admission into the Union, free, the South could not, if it would, under the Constitution and laws, and would not if it could, resist a measure beneficial to the whole nation. The South should be satisfied with the guarantees of the Constitution and the laws, for their peculiar institution; and even if it be receding, if the conditions of human society, and the progress of free States militate against it; if with the protection thrown round it by the organic law of the land, it be yet in its own nature temporary and evanescent, and about to disappear before the democratic energies and the laws of political economy, there is neither the wisdom of a statesman, nor the generous patriotism of a good citizen, in seeking to impede the advance, and check the development of States where no such institution obtains.

I believe myself, and I speak only for myself, that there will be no more slave territory annexed to the United States. The history of the country, and especially of California, establishes the fact, and illustrates the principle which governs the case. Look at California. If slavery could ever progress, it would have obtained there. Slavery is only advantageous to the slaveholder in countries where the largest amount of labor can be bestowed on the smallest surface, and where it pays the heaviest profit. Now, sir, since man first left the Garden of Eden, there has been no place discovered where these conditions are so wonderfully met, as in California—and yet I tell gentlemen that there never was a time when slavery could have been introduced there, nor is such a time coming. We approved the compromise; but the character of our State was fixed without it. Labor was imposed as a curse, (and it is awful in my private opinion,) and free citizens will not submit to have it made dishonorable, as well as disagreeable, by slave competition. Free men will be the first emigrants, and they have, and will protect their *aristocracy of labor* from the action of organized capital, in the shape of slavery.

But as regards the proposition now beginning to be urged in the most unexpected quarter, that any extension of territory is dangerous to the Union, I shall say only a few words. The directly opposite proposition would seem true upon its mere statement—certainly every addition of territory, voluntarily connecting itself with an existing government, increases the physical force and resources of every kind, at the disposition of the constituted authorities of the whole.

It is true that a pure democracy can only exist within narrow territorial limits, and with a very small population, for the obvious reason that where the people assemble and pass laws directly, that only a very few can meet or act in concert. Our own observation and experience proves that such democracy should consist of fewer citizens than compose this House, if prompt and efficient legislation is the thing desired. But that difficulty, which is as old as the formation of society, was obviated by the system of responsible representatives of the people themselves. The other objection, that a legislature assembled from vast distances, could not wisely provide for the local wants of regions remote, and to the great majority of its component members, wholly unknown, has been met only conclusively in the history of the world by our own system, partly national and partly federal. The establishment of the doctrine of State rights, as a security for efficient local legislation, and a Federal Legislature, Executive, and Judiciary, for the arrangement of foreign relations and of domestic affairs, throwing its guardian arm over all, is perfect in theory and in practice. It appears to give the only absolute security against the prevalence of dangerous faction, by placing always, in the hands of the National Government, the force of more than half of the Confederacy; and against foreign invasion it is a self-evident security—and these internal factions and foreign wars exclude all the perils which can menace a nation. I confess that I can see only one limit to the safe extension of territory, and that is in a distance so great that the constituent citizens would be unable to hold the representative to the rigid responsibility which is the basis of the whole system.

Such a Government seems to me to grow stronger with each accession of territory, and like a well-constructed arch, to acquire greater firmness from increased pressure and accumulated weight. But suppose the worst did happen, from the annexation of Cuba, or any other province—suppose the worst to have come—that the parts could no longer hold together, but must dissolve: what then? I say, still, that the experiment is worth trying, and that good would result even from the temporary union. We would have introduced new ideas; we would have taught the lesson of self-government, of resistance to oppression, of freedom, of the equality of men in the eye of the law, of the dignity of the individual, without which teachings, man had better not be.

We would have made converts to the faith of human liberty, and given their true value to a nation; and whether we continued to exist in one Union, or broke into fifty free republics, the world would be improved by the diffusion of that knowledge, which alone makes life tolerable. The great Union so broken, would be like a fractured diamond, less valuable certainly in its fragmentary state, but still the same precious material, reflecting from each brilliant part the light of American civilization, intelligence, and liberty.

No one can have less sympathy than myself with the wild excesses into which doctrines liberal, but at the same time safe and prudent, have been sometimes carried. I would by no means defend the vagaries of Anacharsis Cloots, or such sects as he represented. I mean to be never the advocate of wild and self-sacrificing propagandism; but I prefer it much, in its worst form, to the extreme of conservatism—that conservatism which would, in terror and suspicion, withdraw from all foreign intercourse into Japanese solitude; that conservatism which, in dread of entangling alliances, would refuse to declare a principle of public law, or in the maintenance of strict neutrality neglect to defend its citizens, plundered by both belligerents; that conservatism which instructs the representatives of a great Republic to avoid in monarchical courts the expression of the sentiment of the country they represent, or the inculcation abroad of the free principles which alone give value to government; that conservatism which has already made our own diplomatic corps mere evidences of the power, mere trappings and circumstances to swell

the pomp and flatter the insolence of those potentates to whom their very presence should be a solemn warning; that conservatism which dares not interpose in friendly mediation between its own neighbors, without calling in the crowned heads of Europe to destroy its influence, and laugh at its folly. Liberal opinions and bold policy may run into inconsiderate rashness; but prudent conservatism may also degenerate into cowardly imbecility. The notions of an hundred years past are not necessarily or generally suitable or safe at this date.

The conservatism of the present day is a mere eddy in the rushing and resistless tide of human development and progress. The position of our continent, its mere geographical position, makes impossible the policy of conservatism. Placed between the civilization of the Orientals, which the maturity of despotism has well-nigh destroyed, and the nations of Europe still fresh and vigorous even under the curse of monarchical and aristocratic institutions, commercial necessity, like the attraction of gravitation, forces contact with both. Commerce must have its agents, must be protected. Representatives of the Government, with political character higher than the mere consul, and hedged round by the sacred *jus postliminii*, introduce the very atmosphere of the republic to the court of the monarch—opinions are diffused, sympathies are created, interests spring up, which may be affected by the terms of treaties to which we are not parties; wars and pacifications, transfers of territories by which our rights and privileges may be sacrificed, so blended become the interests of commercial nations that an injury to one is an injury to the other. The United States must either adopt a Japanese seclusion, or she will be forced into entangling alliances, and will become the involuntary propagandist of the hideous principle of republican liberty. Conservatism is impossible: we must go backward or forward. We must decline into worse than colonial feebleness, or we must accomplish a mission of world-wide beneficence. Fogyism itself would look hopefully forward from one of our California promontories, around which break, unchecked in their wild play for six thousand miles, the giant waves of the Pacific ocean. (Plenipotentiaries from China offering unrestricted intercourse)—Fogyism itself would become a convert to progress, and fancy the very continent a vast ship voyaging triumphantly into that future, which opens bright but boundless around humanity.

I have said, Mr. Chairman, that the subject to which I should ask the attention of the committee, was of a practical character. In the investigation of the policy of the Administration in the Island of Hayti, I shall attempt to prove that the doctrine of Mr. Monroe, and the principles of national law, and the dictates of humanity, and the impulses of universal manhood, that all the settled and necessary rules of conduct peculiar to the United States, as between it and the Powers of Europe, in the adjustment of the affairs of this continent, and the instruction and all-pervading sense of dignity and personal consequence which regulates the deportment of man to man, have been openly and absurdly violated. That the rights and interests of the United States, the rights and interests of a sister Republic, have been continually and wantonly sacrificed. These are strong terms, but I shall endeavor to establish the title of the Administration to yet stronger epithets. And here, sir, in advance of the argument, and assuming, for a moment, what I propose to prove, I must express my astonishment and mortification at the course of the central Democratic journal, (The Union,) in regard to this affair. This journal, which should be the organ of the party—which should exert an immense influence in the formation of public opinion—which should gather, with patient labor, correct information for general diffusion; this paper which should be a vigilant sentinel over the doings of the Administration, has selected this disgraceful negotiation for its approbation. The Union has exhibited the last degree of ignorance and thoughtlessness in its article upon this subject, and has not only failed to throw any light upon it, but has not even reflected truly the conclusions or reasoning of even the most careless observers of passing events. We want beyond everything a party organ which shall be conducted, not as a commercial speculation, not solely or principally with a view to pecuniary advantage, but a periodical which shall be the jealous guardian of the rights of the people and the honor of the nation; which shall speak with the boldness of conscious knowledge on all subjects of public importance. Upon this question of Hayti, the Republic copies the article of the Union as *being perfectly in accordance with the views of the Administration*. Did not the Union know, had its editor never heard, that the Democratic party, so far as it had expressed, by the press or otherwise, its opinions on this point, had visited, with the deepest reprobation, the course of the Administration?—but the article itself contains (what every one in the country knows, and nothing more) enough to convict itself of absurdity, and the Executive of weakness and disregard of one of the fundamental principles of American policy. It says:

"In general, the foreign policy of President Fillmore's administration has not been in accordance with our notion of what the foreign policy of this country should be, and we have been constrained in some instances to express an emphatic disapprobation of negotiations which seemed to us to compromise the dignity and to surrender the rights of the United States. For this reason, any instances of an energetic or wise administration of the foreign affairs of the country by an Executive whose general policy we have been constrained to condemn, will the more readily command our warmest commendation. Such an instance of wise diplomacy do we regard the efforts of this Government, in conjunction with Great Britain and France, to arrest the sanguinary designs of the negro Emperor of Hayti against the republic of Dominica.

"By som emeans, publicity has been given to the correspondence between the State Department and Mr. Robert M. Walsh, its agent in the negotiation for the pacification of Hayti. In the various papers which constitute this correspondence, the motives and purposes of the Administration in proffering its good offices in behalf of the Dominican republic, are frankly and clearly set forth.

"In 1821, the Spanish portion of the Island of St. Domingo voluntarily subjected itself to the government of Hayti, then presided over by Boyer. On the expulsion of Boyer, and on account of the wrongs and grievances which they had endured, with a repetition of which they were menaced, the Dominicans threw off the subjection of negro government and established an independent republic. To this step the Spanish inhabitants of St. Domingo were driven by the necessity of self-preservation. Not only were their political rights and their liberty invaded and trampled upon by the black barbarians of Hayti, but the doom of indiscriminate slaughter and extermination was incessantly held before them in the threats of the Macaya and Dessalines.

"By the most imperious necessity, then, were the Dominicans impelled to set up an independent government. Nevertheless, their act of separation was regarded as a revolt by the negroes of Hayti, who prepared to reduce the rebel whites to subjection by the strong arm of force. All the efforts of the Haytian government were unequal, however, to the reconquest of Dominica. The Spaniards defended themselves with valor and energy, and, despite the disparity of numbers, successfully repelled the invasions of their foes. They achieved and established their independence. France formally recognized the republic of Dominica. England and the United States recognized it by their acts. Still Soulouque refused to acknowledge the independence of the Dominicans, and persisted in his efforts to reduce them to subjection. In this juncture, under the apprehension of a very formidable attack by Soulouque, the Dominican government solicited the mediation of the United States, Great Britain, and France, to restore, if possible, peaceable relations with its savage neighbors. Great Britain and France promptly acceded to the proposition, impelled thereto by every consideration of justice and humanity. Without reluctance, the United States followed their example. The Government dispatched Mr. Walsh to the Haytian court, to coöperate with the representatives of Great Britain and France in the humane endeavor to persuade the Emperor Soulouque to abandon his hostile designs against the Dominicans.

"Persuasion could not appease his ferocious wrath, nor could threats drive him from his bloody purposes. He persisted in his designs against Dominica, and would in no manner acknowledge its independence. The utmost the mediating Powers could effect was the prolongation of an existing truce.

"And this was the issue of a negotiation for which the Administration deserves credit. It originated in an impulse of humanity, and sought to protect a civilized community from the oppression and ferocity of a blood-thirsty savage. The mission of Mr. Walsh was a mission of peace and true philanthropy."

Even in the imperfect history of the Island of Hayti here given, it is clear that the Dominicans were entitled to their independence in the judgment both of the Union and the Administration; that being so entitled, and in fact being independent, they invited the United States to protect them against a savage whose power was originally founded on murder, and continued and sustained by lawless outrage. The Union indorses this paragraph from the instructions of Mr. Webster to Mr. Walsh, the agent who conducted the negotiation:

"You will then, conjointly with your colleagues, require the Emperor to conclude a permanent peace with the Dominican government upon the basis which you may jointly prescribe to him, or to consent to a truce with that government of not less than ten years.

"The Emperor should be made properly aware of the dangers which he and his country may encounter, if he should be unfortunately advised to reject reasonable terms of pacification; but you will stop at remonstrance until further notice."

Now, if this means anything, it means that the United States assert a right to intervene forcibly, if necessary, in the affairs of the island, and that that intervention has been made in a way that calls for "the warmest commendations" from the Union. Those warmest commendations are bestowed upon the total failure "to appease his (Soulouque's) ferocious wrath," or "drive him from his bloody purpose." If the Union desired to defend or explain this contemptible failure, it would have been generous to the Administration; but to bestow the warmest commendations upon it for permitting a bloody savage—not acknowledged by the very Administration itself as one of the recognized Powers of the earth—to mock and defy it, while he does the very thing about which the issue has been made, is self-evident nonsense. This is the plain statement: The United States says to Soulouque, You shall not make war on the republic of Dominica; Soulouque says, I will make war on the republic of Dominica; and the United States don't say anything more—but the Union says, it is "an energetic and wise administration of the foreign affairs of the country.

Oh, shade of *Dogberry!* rejoice, that at length thy profound teachings are appreciated by a Whig Administration and a Democratic editor:

"*Dogberry.* You shall comprehend all vagrom men; you are to bid any man—Stand, in the prince's name.

"*Watchman.* How if he will not stand?

"*Dogberry.* Why then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave."

But, sir, the Union seems wholly unconscious that the Administration has not been content to render itself simply ridiculous, and contemptible; but that to do so effectually, it has violated a principle, the very clearest and least liable to dispute in our entire foreign policy. I allude to the doctrine of Monroe. The Union makes itself responsible for the joint mediation of France and England, accepted by the Administration in direct and apparently intentional, gratuitous, and wanton violation of the policy which is essential alike to our safety and our honor. In another connection, I will state the doctrine, and what I conceive to be its meaning and effect; but for the present purpose, I would only direct the attention of the Union to the National Intelligencer of December 23d, where "*non-interference on the part of European Powers with the independent Governments of the New World,*" is stated as an admitted principle of all parties—apparently in the same happy oblivion of the course of the Administration in this and other transactions, as the Union.

But leaving the *Democratic organ* to the consolation to be derived from the sympathy of the Republic, I will examine the course of the Administration in regard to Hayti, by the light of its own official correspondence, and other reliable sources of information. The momentous importance of this island to the United States in a commercial point of view, and its still greater importance as a naval depôt, has been strangely overlooked. I do not speak of the policy of its annexation, nor do I contemplate its acquisition by the United States; nor do I believe that the course of the next Administration ought to be or will be shaped with any such purpose; but this I do say is obvious from a single glance, that its independence of Europe is of more moment to us than that of Cuba; and that the protection of the white republic, which embraces two thirds of its surface, against the negro empire which holds and ruins while it holds the other third, is at once our duty and our interest, and that such interference should be without the coöperation of any European Power; but that in that island, more than elsewhere, the interference of Europe, whether as joint mediators, or in any other way, should be effectually prevented. The dependence of Cuba on Spain is the cause of the embarrassments and difficulties which have sprung up in that direction. Hayti has for nearly thirty years been wholly independent of all European power. The island contains about thirty thousand square miles. Of

this area, about one third of its western end is in possession of Soulouque, and the remaining two thirds constitute the territory of the republic of Dominica. It is blessed with a climate the most delightful, and a soil the most productive; it lies to the windward of Cuba, and holds it, in fact, a mere prisoner in its hands if in the possession of any naval or military power. By its geographical position, it is the true key to the Gulf of Mexico, and to both oceans the natural Queen of the Antilles. It has upon its northeast side a bay called Samaná, perhaps the finest in the world, and which is said at this time to be occupied by France; a bay of which a French political writer of eminence speaks in these words:

"There are three points in the Atlantic which assure the maritime prepondcrance to the great power which shall establish itself on either one of them—the little Island of St. Thomas, the Mole of St. Nicholas, (in Hayti,) and the Bay of Samaná. St. Thomas, at present the entrepôt and maritime center of that part of the world, is nothing but a barren rock, to which everything—even wood and water—has to be brought from abroad: and besides, it belongs to Denmark. The Mole of St. Nicholas is surrounded and commanded by a compact circuit of high mountains, which circumstance requires the military occupation of a very extensive territory; it belongs, moreover, to the Haytians. There remains Samaná. Of all the bays in the world, the Bay of Samaná is at once the most vast, the most secure, and the best defended on the side of the land and of the sea; while all the riches of the mineral and vegetable kingdoms—from gold to coal, from ship-timber to precious shrubs—are found accumulated in the peninsula which gives it its name."

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"Where, then, shall we search for the secret of the hesitation, which nothing without or within can excuse? Is it in the strange illusion of one of our last Ministers of Foreign Affairs, who, in reply to one that was representing to him the danger of the occupation of Samaná by the United States, said: 'Fortunately the English are yet in Jamaica;' so, too, were the English in Oregon?" * * *

"No, it lies, I fear, in the traditional maxim of the bureau: 'It is none of our business.' None of our business! Happy, indeed, is that country which can act on such maxims! But are we in that condition? When England is each day enlarging the distance which the year 1848 placed between her and us," * * * "when the United States are covering the Atlantic and Pacific with their annexationist *Corsairs;* do we not, by remaining asleep in our little corner, incur the risk of awaking some fine day, stifled and powerless? Our lethargy is here all the less inexcusable, inasmuch as there are no political or financial obstacles for an excuse; that in order to see our flag float over the Peninsula of Samaná, we should not have even the trouble of carrying it thither; [quere?] that, in order to conquer the finest maritime and territorial position of the New World, the *tête-de-pont* of the passage of Panama, the future entrepôt of the two hemispheres, the key of the two oceans, would only require of us a simple monosyllable and a single nod of the head. But why say this aloud? Some one will object to me. Good God! to make known here what all the world, except ourselves, knows already."

These considerations no wise people will overlook. It is true, that at present, while the resources of both divisions of the island are exhausted by wars and preparations for wars against each other, the commerce of the island seems comparatively unimportant. The exports of the Dominican republic are about one million annually, and Hayti about three millions; the population of Dominica being about one hundred and twenty-five thousand, of which only fifteen thousand are pure blacks, thirty thousand whites, and the balance blancos, or mixed, and Hayti about seven hundred thousand. This commerce has been declining, as has the actual produce of the island, steadily since its occupation by the French, in 1787, 1788, and 1789. In those years, the exports from Hayti alone, one third of the island—and with a population, all told, of five hundred and thirty-five thousand—was $8,783,000; the consequence is, that Dominica, which has a soil equally productive, and twice as extensive, would, if she were suffered to, equal the condition of Hayti under the French in 1787, 1788, and 1789, sustain a population of more than a million, and export over fifty millions. This is an estimate infinitely lower than the facts justify, but it is sufficient to show that the interest of the United States consists with its duty; that all the motives, pecuniary advantage, security for our trade in the Gulf, and the dictates of humanity, should impel us to the effectual protection of the Dominicans.

But no motive of interest would be sufficient to direct national policy as against the public sentiment of civilized and enlightened nations or the plain dictates of morality and justice.

Has the United States a right to interfere? The Administration has not only settled that question as against itself by an actual interference, but it has published satisfactory reasons for its intervention. In addition to the instructions given to Mr. Walsh, quoted before, the following extract from a letter addressed by the representatives of the three Powers, Great Britain, France, and the United States, to the Haytian Minister of Foreign Relations, expresses the views of the Administration, and takes the true ground:

"In the eyes of the three Powers, the independence of the Dominicans reposes upon a right as sacred, a fundamental compact as respectable, a fact as consummate, as those which secure the independence of Hayti itself. In their eyes, that people is in legitimate possession of all the titles which constitute nationalities the most incontestable; a regular administration, a legislation protecting equally the persons and property of all, a military organization both on land and sea, a flag enjoying the honors due to that of a free country, international relations through accredited agents, and even a solemn treaty of recognition and commerce with one of the chief nations of the earth."

And from the same document:

"Reduced to the alternative of renouncing those advantages, or of perpetually fighting to retain them, the Dominicans have been compelled to request the intervention of the Powers with whom they are connected by the aforesaid international relations, in order to free themselves from a position so deplorable.

"That intervention they justly obtained, because a few words inserted in the often-modified constitution of Hayti, are by no means sufficient to create for that country a right of perpetual possession of the territory of its neighbor—a possession entirely fictitious at the time when that constitution was formed, continuing so during eighteen subsequent years, and again becoming so after the lapse of seven, and of which the temporary existence only demonstrated the radical impossibility of blending two races of different origin, customs, manners, and language."

And again:

"The only thing for foreign nations to consider was the simple fact that the Republic of St. Domingo is positively independent, and entitled to be treated as such, whatever may have been the original rights or pretensions of Hayti."

Nothing could be more distinct and satisfactory than this. Upon the same subject, and to show to the Department at home the propriety and necessity of intervention, Mr. Walsh writes to Mr. Webster in these words—this is official:

"The contrast between the picture which is now presented by this country, and that which it exhibited when under the dominion of the French, affords a melancholy confirmation of what I have said. It was then indeed an 'exulting and abounding' land—a land literally flowing with milk and honey; now, it might be affirmed, without extravagance, that where it is not an arid and desolate waste, it is flooded with the waters of bitterness, or covered with noisome and poisonous weeds. 'When I arrived here,' to quote the words of an intelligent foreigner who has been in Hayti since the epoch of its independence, 'there was abundance of everything—now there is a want of everything.' The cultivation of sugar, which was once the main fountain of wealth, is now entirely abandoned, except for the production of an intoxicating drink; and that of coffee has so much decreased, that it would not in the least be a matter of surprise if ere long the supply of that indispensable article for Haytian commerce, were to be insufficient for the ordinary consumption of the inhabitants themselves.

"The government, in spite of its constitutional forms, is a despotism of the most ignorant, corrupt, and vicious description, with a military establishment so enormous that, while it absorbs the largest portion of the revenue for its support, it dries up the very sources of national prosperity, by depriving the fields of their necessary laborers to fill the town with pestilent hordes of depraved and irreclaimable idlers."

And in further proof of the strong position taken by Mr. Walsh, with the approbation of the Department, witness this extract from an official letter:

"I thought I might then try the effect of an argument which I took care to represent as wholly unofficial and private, my Government having no knowledge of it whatever. The day before I left Norfolk I was told by a friend that he had been offered a command in an expedition which was contemplated to go to St. Domingo and assist its inhabitants against the Haytians. This fact I communicated to the Minister with all plausible emphasis, dwelling upon the perilous probability that should such an expedition ever land upon the island, all the miseries and horrors with which the Emperor was now threatening the Dominicans would be brought to his own door; that the desperadoes composing it would never rest until they had exhausted every effort to overwhelm the empire, and that even if they should fail in destroying it, the evils they would suffer would be almost equivalent to ruin. The only sure way, I added, to arrest the danger was to conclude a peace, and by thus depriving the expedition of the lawful motive of lending aid to a people whose independence was wrongfully assailed, it would become the duty of the United States to prevent it from leaving their shores.

"The chord was one which seemed to vibrate more strongly than any other, for the Government has been in great dread of such an expedition ever since the attack upon Cuba."

And again, from Mr. Walsh, as to the right to menace or use force:

"The truth is, the big ship in the harbor is not a pleasant spectacle to his eyes, and the sending such a one just now, is a ceremony of which he would much prefer the breach to the observance. It is a pity the commodore cannot protract his stay here, as the presence of the steamer would materially assist our negotiations, the logic of force being, I am afraid, the only kind which his government thoroughly comprehends, or at least is disposed to respect."

But as to the views of the Department of State of the national character of Hayti and the government of Soulouque, the following to Mr. Walsh, from Mr. Webster, is conclusive:

"It is presumed, however, that in process of time—and perhaps before long—if the Haytian government shall abandon its ambitious projects of foreign conquest, shall devote its attention to the improvement of its own people, and shall succeed in that object, so as to command the respect of dispassionate and impartial men, no nation whose interests may dictate the measure will hesitate to send consuls to their ports or to recognize Haytian consuls in their ports."

Could anything be clearer? The Government itself asserts the right to coerce the Haytian outlaw, and refuses to recognize the absurd and monstrous empire as one of the Powers of the earth, entitled to the respect or countenance of the civilized world. One other extract from Mr. Walsh's report, and the diplomatic history of this affair, as furnished by the Government, is finished. In it is confessed the failure of the whole mission, and the only honorable and manly course indicated. It has been, however, wholly disregarded:

"That result can only be accomplished by coercing the Haytian government. All persuasion and argument are thrown away upon it, all sense of duty and justice and right is merged by it in sanguinary ambition and ferocious vindictiveness. The Dominicans will listen to no terms which do not establish their national sovereignty, which they have so long and so successfully defended.

"They would prefer total extermination, as they declare and as their conduct demonstrates, to falling again under the atrocious despotism which they have shaken off; and every consideration of interest, of justice, of humanity demands that their independence should be placed on a secure and permanent basis."

I will, however, Mr. Chairman, take a more comprehensive view of this question. Has the United States a right to intervene for the protection of Dominica against Soulouque? The facts and principles which are necessary to prove this right, are often identical, and always connected with those which establish the obligation of the Government to forbid, and at any hazard to prevent, the interference of any European Power, especially France or England, in the affair.

The conclusion as to the policy of the Government, which has contemptibly failed in the assertion of the right, and which has, without any justification or necessity, or any good result, in fact violated the obligation, is inevitable. Before going into these facts, before giving a brief account of the relations of the Island of Hayti to Europe and to ourselves, and its different parts to each other, and of the submission by this Government to the interference of France and England, it is well to recur to and carry with us distinctly the rule of foreign policy, and its reasons, which is called the Monroe doctrine. In the seventh message of Mr. Monroe, this clear and luminous exposition of the doctrine occurs:

"It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced, that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied Powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies and dependencies of any European Power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and

whose independence we have, on great considerations and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by a European Power in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change, on the part of the United States, indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied Powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent Powers whose Governments differ from theirs are interested; even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every Power; submitting to injuries from none. But, in regard to those continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other Powers will pursue the same course."

In the subsequent or eighth annual message of the same President, (Mr. Monroe,) he again alluded to the contest between Spain and her colonies; said that the latter had fully achieved their independence, and that said independence had been recognized by the United States. He then adverted to the European Powers; said that it was "the interest of the United States to preserve the 'most friendly relations with them, but that with 'regard to our neighbors, the republics of South 'America, our situation was different. It was 'impossible for the European Governments to in-'terfere in their concerns without affecting us. 'Indeed, the motive which might induce such in-'terference would appear to be equally applicable to 'us;" and he added that "it was gratifying to 'know that some of the Powers with whom we en-'joyed a very friendly intercourse, and to whom 'these views had been communicated, had ap-'peared to acquiesce in them."

In this statement it will be observed that all intervention between the Governments of this hemisphere by the Powers of Europe, for whatever purpose, whether "*oppressing them or controlling in any other manner their destiny,*" is declared to be "*the manifestation of an unfriendly disposition towards the United States.*" The purpose for which the intervention might be made does not change the dangerous and hostile character of the act; and the reason is obvious, and our late experience gives it additional force. If once they are permitted to interfere, protectorates, and consequent acquisitions and fortifications of strong points, for the effectual protection of such wards, would render the State so protected and occupied, the mere creature and victim of the stronger power, and would lead by a thousand pretexts which everybody but Mr. Fillmore can see at once, to the introduction of the European system into the continent, which is inconsistent with our safety. How dangerous every infraction of this principle is, may be seen by the late overtures for a tripartite treaty, which would have bound us in all time from the acquisition of Cuba, and which has even awakened the Executive. This offer, so promptly rejected, was, however, a corollary, a necessary consequence of the tripartite mediation in Hayti, and the admission in Honduras, and along the Mosquito coast, of the claims of England.

The offer on the part of France and England to make a treaty stipulating for the eternal separation of Cuba from the United States does not equal in insolence either of the two encroachments which we have not only submitted to but invited. To what depth of degradation—to what sacrifice of pride, honor, and power—to what extreme of humiliating subserviency to Europe we would have insensibly gone, I forbear to conjecture. We have gone far enough, however, to prove that the only safety is in the rigid observance of the Monroe doctrine which is contained in one line: Non-interference on the part of European Powers with the independent governments of the New World. That this doctrine should have been enforced with jealous precision against France and England in the Island of Hayti by the United States is made more apparent by the fact that each of these Powers has guarded against interference by the other, and that the United States alone has been indifferent to the progress of either in the island. The joint mediation met the views of both those Powers, as it gave to them a controlling majority in any negotiations which might be entered into. And that there could have existed no adequate motive for accepting or tolerating the joint interference of those Powers is demonstrated by the fact, that that connection with us did not influence Soulouque in any degree, but that the joint mediation was as ludicrously impotent as our sole attempt could by possibility have been.

By the treaty of Ryswick, 1697, Spain ceded to France the western one third of the Island of San Domingo, retaining the eastern two thirds. The black population of the western or French portion of the island in 1790 massacred the whites, and became independent of France. The blacks of the east or Spanish division did not join in this rebellion. In the same year the Spanish part of the island was ceded by Spain to France, and remained in her possession till 1808, when the English aided the Creoles to throw off the control of France, and the territory was confirmed to Spain in 1815 by the treaty of Paris, and was governed as a Spanish province till 1821. In 1822, Dominica, with a view to connect herself with the Colombian republic, revolted from Spain. This purpose was never carried into effect; but Spain was unable to attempt even its subjugation, and has never to this day reasserted her claim. On the contrary, she has openly acknowledged their independence by demanding, in 1830, from Hayti an indemnity for its loss, and also by receiving and treating with the Dominican commissioner in 1847 for the acknowledgment of the republic then established in the east.

In February, 1822, Boyer, the chief of the west or negro part of the island, the now Empire of Hayti, invaded the east with a force which was irresistible by the Dominicans. The provisional authorities were compelled to submit, and the territory was incorporated with the Haytian republic. It is not necessary to my present purpose to recount all the atrocities practiced by Boyer on the Dominicans. It is enough that his administration was so intolerable, not only to the Dominicans, but to the Haytians, that he was driven from power and from the country in the year 1843. Riviere, who overthrew and succeeded Boyer, was more ferocious toward the Dominicans than his predecessor. It is true that Dominica sent her representative to the convention held at Port au Prince, in 1843, to remodel the constitution. In the first business before the convention, the difficulty arose which led to the establishment of a separate republic in Dominica. This was the basis on which the union (if any union was to be between the west and the east) should be established. The Dominican delegates insisted, as a fundamental provision, upon the protection and encouragement of white immigration. It was refused by the Haytian representatives. Upon this the Dominicans declared themselves independent of Hayti, in a manifesto published 16th of January, 1844 In the war which immediately followed, the Dominicans beat the Haytians in several actions, and have maintained themselves in this independence ever since. In November, 1844, the constitution, modeled after our own, was proclaimed.

The two successors of Riviere—Guerrier and Riché—made no serious attempt against Dominica. But Soulouque who succeeded, has exhausted every means in his power to annoy or to reconquer the country, and has publicly declared his intention to exterminate the whites from the island. Shortly after the establishment of the Dominican republic, commissioners were sent to this place to ask its recognition. Had they not a right to ask it? No claim to sovereignty had been advanced by any European Power for more than twenty years. They had, driven by a tyranny unexampled, thrown off the connection, forced in the first place with Hayti, and were in fact and of right independent. The leading ground of difference between them and Hayti, white immigration, should have commanded our sympathies; and the doom of extermination pronounced against them, gave them a right to protection on the grounds of common humanity. On the arrival of these commissioners, Mr. Calhoun was in the Department of State. The large and comprehensive mind of that great statesman, appreciated at once the importance of the interests involved, and he sent out a special agent to examine carefully and report on the affairs of the island. Before the report was made, or at least before it was acted on, Mr. Calhoun retired from the Department of State. Mr. Buchanan, who succeeded Mr. Calhoun, sent another special agent, Lieutenant Porter, who made a long, and I think, an able report, which was never acted upon, owing to the excitement and absorbing interest of the Mexican war, which was just then being commenced, and the events which followed it. This is, however, but an imperfect excuse for a most serious fault.

In 1849, just at the accession of General Taylor, Soulouque made the most formidable attack upon Dominica which it had sustained. He reached within two days' march of Santo Domingo city, and with a force apparently irresistible. The indifference and neglect of the United States had extinguished all hope of interposition on our part, and in despair the Dominicans applied for a French protectorate. This would have been accepted by France at once, and the Bay of Samaná (a point of more importance than Havana, and which, it is rumored, she has at last taken possession of) ceded to her—the island, in fact, would have become her property, but for the interference of the British Minister, who gave notice that Great Britain would not consent to it. The correspondence on this subject, copied from the archives in Santo Domingo, is now in this city, and in possession of the gentleman afterwards sent out by Mr. Clayton as special agent to Dominica. Whether this would have been submitted to or not by the United States, it is impossible to say; but it was by no action on the part of our representative at home or abroad that it was prevented.

After the invasion of Soulouque, which was defeated by the exertions of the Dominicans, though made more formidable by domestic treason and foreign intrigue, Mr. Clayton, then Secretary of State, sent, as had grown to be a habit, a special agent to Dominica. I have had access to the reports and papers of this gentleman, so far as they could with propriety be communicated. Upon his arrival petitions and addresses from all parts of the Republic came to General Santa Anna and the President of the Republic, urging a retraction of the offers to France and opposing the French connection, and advocating annexation to or protection from the United States. An application was made to the agent, and by him forwarded to the Government here, praying for intervention by the United States for the pacification of the country. This application was forwarded by him along with a report, which set forth additional reasons, of the most conclusive character, why it should be favorably considered, and then, if not before, the authorities here should have become fully aware of the intrigues which both France and England (*the joint mediators*) had kept on foot for the acquisition of some hold in the island, and of the most fatal effect upon our interest. I shall give a short synopsis of the report, and then a short history of the diplomacy of those Powers in Hayti. And I think it must be clear to every mind, that whatever might have been decided as to our own intervention, or the extent and character of it, nothing but criminal carelessness or infatuated and predestinated stupidity could fail to recognize the necessity for excluding France and England from any share in the matter or any the least control over our free action.

The report urges that the duty and interest of the United States was to intervene, for the reasons which I have before given, and which were subsequently assigned as the causes of the joint mediation, and goes on to urge further, that the war

was one of extermination and for conquest, and that it involved the very existence of the white race in the island; that the Haytian constitution declared as a first principle "that no white of any nation should place his foot upon the soil with the title of proprietor," and that the Dominicans invited white immigration by grants of land and the privileges of citizenship; that our commerce suffered from the war, and that our citizens were endangered, and our property lawlessly seized by the barbarians of Hayti in the prosecution of the war; that acts of plunder and piracy to the amount of many hundreds of thousands of dollars had been committed against our citizens, as is proven by Mr. Webster's Report, House Doc., 3d Sess. 27th Congress. The report further urged the fact upon our Government, that England and France coveted Samaná, and that the Dominicans would be forced to cede it to one or the other, in consideration of protection which they had vainly sought from us. It was urged that France had never relinquished her designs to recover the island, and that England had always been, and was then, engaged in efforts to acquire the control of the island. The Government was by this report put in the possession of this additional fact—that the Consul General and Minister Plenipotentiary, Sir R. Schomburgh, as soon as he discovered that an application was made for the mediation of the United States, had offered and urged the mediation of England, which was not accepted. The Dominicans did not trust the English Government, but better informed, and consequently more prudent than the United States, feared the known policy of Great Britain on the great question between the races, and did not believe that she would support them in good faith against the double claim of Soulouque to sympathy—both as negro and as emperor. Dominica had been taught by many years of observation, that it was no part of the policy of Great Britain to support a free white republic on the island, but that her designs were to acquire rights for herself in that territory. The mediation of England was, however, pressed by Schomburgh with such earnestness, that the Dominicans dared no longer refuse it peremptorily, and the American agent was consulted by the authorities on the subject. The Dominicans would not, however, agree to it, unless it was distinctly understood that the United States and France were to be joint mediators, and with the further distinct avowal that the call for joint mediation was in the alternative, and should be made only on condition that the United States refused to intervene alone. This report, and these offers on the part of Dominica, were met by General Taylor's administration, so far as to instruct their agent to give notice to Soulouque that this Government would not view with indifference any aggression on Dominica, at least while Soulouque was indebted to the United States. This notice had the effect to suspend for a time an invasion which Soulouque was preparing in 1850.

Mr. Bulwer now gave notice of the readiness of his Government to enter into the joint mediation, and the Administration replied, that upon the return of their special agent, they would give a definitive answer. The reputation of Mr. Clayton is, however, free from the stain of this disgrace. Nothing was, in fact, done by him. General Taylor died while the affair was pending, and Mr. Webster took charge of the Department of State. It is worth remark, and should be borne in mind, that after the departure of this special agent from Santo Domingo, no treaty being concluded for the safety of Dominica, but everything left as it had always been, and still is, open and unsettled, the agents of France, and also of England, endorsed the propositions of Soulouque to that Republic, and endeavored to induce its authorities to submit to his demands. This is conclusive evidence that neither of those Powers were acting in good faith with us, or Dominica, and, taken in connection with the fact that the mediation wholly and shamefully failed of its purpose, and that the threats of the three greatest Powers of the earth did not alarm a barbarian who was unable to have resisted, for one moment, the attack of either of them—and that those threats were not carried out by either against him, when he met fully the very contingency on which they were uttered—it is monstrous—wholly incredible, on any principle of human action, that the majority of them could have been acting in good faith. This Administration, however, replied to Mr. Bulwer, by the appointment of Mr. Walsh; the joint mediation was entered into. Everything which our interest and duty dictated failed, and the two Powers had the triumph of leaving matters open for their future action, with this incalculable advantage gained, an admission by the United States of the right of European Powers to interfere in the affairs of independent Governments in this hemisphere, and a thorough and well-merited contempt felt for us and our arms and diplomacy in those Governments, which should trust us as implicitly as they should profoundly respect us. I shall leave this branch of the subject, with this extract from the official organ of the Dominican government. I take it from the New York Herald, February 26th, which translates from the Gaceta de Gobierno, of January 25th:

"We were surprised," says the Dominican official organ, "when we read, in the message of the President of the United States to Congress, of the settlement of peace between the Dominican republic and that part of the west called the Haytian empire. This false report, communicated to that Government by an unfaithful person, precisely when Soulouque was calling under arms a numerous army at Juana Mendez, in order to invade our territory, is highly alarming, for these falsehoods can affect us in other countries which are friendly to our republic. They wish to divert the attention of other nations from the unrighteous machinations against our independence. For that reason, we positively repeat, that till now the Powers who wished to settle that question, with the desire of avoiding bloodshed in a disastrous war, have not agreed on the affair."

The same spirit which has conducted our negotiations in Hayti has guided our policy in Nicaragua, and to the same or even worse results. The state of things existing at the present moment, produced by the sagacity and courage of this Administration, and the one which immediately preceded, may be stated in a few words. The territorial rights of the republic of Nicaragua are in fact sacrificed by the construction of the treaty made to protect those very rights, and this Administration has become a party to the dismemberment of that republic. The aboriginal tribe of Mosquitos are recognized as having the sovereignty over an indefinite extent of territory which has belonged to Spain since the discovery of the continent, or to the States which have been formed from her colonies. Islands in the Bay of Honduras, which belonged to that republic, have passed, without protest or objection, into the absolute possession of Great Britain, in direct violation of treaty stipulations, and the principle which binds us to the protection from European aggression of all the independent States of this continent. All this has happened, too, in violation of repeated pledges made by this Government. It is not necessary to trace minutely the history of our relations with *Central America*—political Central America—before the year 1848. In that year, the subject of inter-oceanic communication became of vital and immediate importance; and from that time the series of measures which have terminated in the disgrace of the American name began. Much earlier, however, as early as 1825, the subject was agitated, and correspondence was had between the governments of Central America and the United States on the subject, which is instructive. The Minister of that Government wrote to Henry Clay, then Secretary of State, asking the coöperation of the United States in a treaty for the secure establishment of a transit route, and giving the United States preference over other Powers, on the ground that its "*noble conduct* had been a model and protection to all the Americas." Instructions were accordingly given to our Chargé d'Affaires to assure the Government of our deep interest in the subject, and to investigate the matter and report upon it. This was not done; but the same efforts were renewed in many instances by Central America, and afterwards by the separate States which had composed it.

I shall pass, however, over all that, and come as hastily as possible to the negotiations which immediately preceded the Clayton and Bulwer treaty, and which are necessary to a full comprehension of the present established policy. In 1847, the republic of Nicaragua, feeling itself endangered by the aggressions of the British, and alarmed at the fatal doctrines asserted by that Government in regard to the rights of the Mosquito kingdom, appealed to the United States for protection, on these grounds:

"The United States is the natural protector of all the republican States of the continent, the center of the hopes of the American cause. Nicaragua, who derived its first impulses from you, and is animated by your example, doubts not that her representations will be received on a subject which threatens her institutions and independence, and affects the interests of all the American republics."

Mr. Buchanan, to whom this letter was addressed, did not reply to it at all; but subsequently, after the same application was repeated, and the English had actually seized the port of San Juan, he sent out Mr. Hise to negotiate. Mr. Hise did not return till after General Taylor was inaugurated, when he came with a treaty, the leading features of which I shall give by extracting its most important provisions.

The instructions of Mr. Buchanan to Mr. Hise assert in bold and true terms the rights of the United States and the motives of England; and for their most lame and impotent conclusion, I confess myself at a loss to account. I give those clauses which contain the substance and meaning of the whole. He says:

"The object of Great Britain in this seizure is evident from the policy which she has uniformly pursued throughout her history, of seizing upon every valuable commercial point in the world, whenever circumstances have placed it in her power. Her purpose, probably, is to obtain the control of the route for a railroad and canal between the Atlantic and Pacific oceans by way of Lake Nicaragua."

He also insists on the policy "of excluding all interference on the part of European governments in the domestic affairs of the American republics." He asserts the wrong of Britain, and denies their claims, but says, in conclusion, that "the Government of the United States has *not yet* determined what course it will pursue in regard to the encroachments of the British Government." So instructed, Mr. Hise, not perhaps pursuant to instructions, but under the impulse of genuine American feelings, and impressed with the dangerous character of the intrigues of the agents and representatives of Great Britain, particularly at and about San Juan, concluded a convention with Commissioners of Nicaragua, with the following provisions:

1st. That the United States should enjoy the perpetual right of way through the territories of Nicaragua by any means of conveyance then existing, or which thereafter might be devised.

2d. That the United States, or a company chartered by it, might construct a railroad or canal from one ocean to the other, and occupy such lands, and use such natural materials and products of the country as might be necessary for the purpose.

3d. That the United States should have the right to erect such forts on the line or at the extremities of the proposed work as might be deemed necessary or proper for its protection.

4th. That the vessels and citizens of all nations at peace with both contracting Powers might pass freely through the canal.

5th. That a section of land two leagues square at either termination should be set apart to serve as the sites of two free cities under the protection of both Governments, the inhabitants of which should enjoy complete municipal and religious freedom, trial by jury, exemption from all military duty, and from taxation, &c., &c.

In consideration of these privileges the United States were to be bound to defend and protect the territorial rights of Nicaragua, to preserve the peace and neutrality of her coasts, and some other provisions not relevant to the matter in hand. Before Mr. Hise had concluded this convention the Administration which sent him had gone out, and General Taylor was inaugurated. Mr. Hise was recalled, and Mr. Squier sent in his stead, with instructions from Mr. Clayton, which I shall lay before the committee. This treaty of Mr. Hise, which certainly contains matter worth consideration, was suppressed by the Taylor administration, on the ground that it was completed after the date of his letter of recall, and that it exceeded his instructions. The very truth is, it was suppressed because it took the American ground, and would have brought us by possibility in contact with England, which was then asserting new and most extraordinary propositions. We will see what those propositions were, and how they were met by Mr. Clayton, and by his successor. Mr. Manning, Vice Consul at Nicaragua, writes to Lord Palmerston in April, 1849:

"My opinion, if your lordship will allow me to express it, as regards this country, for the present is, that it will be overrun by American adventurers, and consequently bring on her Majesty's Government disagreeable communications with the United States, which possibly might be avoided by an immediate negotiation with Mr. Castellon for a protectorate and transit favorable to British interests. The welfare of my country, and the desire of its obtaining the control of so desirable a spot in the commercial world, and free it from the competition of so adventurous a race as the North Americans, induce me to address your lordship with such freedom."

And Lord Palmerston, in a letter addressed to all the British agents in Central America, asking information as to the boundaries of the Mosquito kingdom, says: "You will also report what in 'your opinion is the line of boundary which her 'Majesty's Government should *insist upon* as abso-'lutely essential for the security and well-being of 'the Mosquito shore;" and without waiting for a reply, says, in a circular letter to the representatives of his Government, that "the right of the 'King of Mosquito should be maintained as ex-'tending from Cape Honduras down to the mouth 'of the river San Juan." The answer of Chatfield, the English *factotum* in Central America, improves on Lord Palmerston's exaggerated claim, and says that the Mosquito boundary should pass the river San Juan and reach even to Chagres; because, he says, "looking to the probable desti-'nies of these countries, considerable advantages 'might accrue in after times by reserving the rights 'of Mosquito beyond the river San Juan," and suggests, as Manning had done, an "early assertion" of these claims.

The actual seizure with armed force of the port of San Juan, the only terminus of the inter-oceanic communication on the Atlantic side, under pretext of the right of the Mosquito King, and the knowledge of the schemes and designs revealed by the above extracts, prompted Mr. Hise to make the effort to conclude his proposed treaty. In the fear of England, but under the pretexts of want of authority, the administration of General Taylor would not even submit the convention to the Senate, and withheld it from the Senate on a call for it, as appears from Senate Journal, February 13th, 1850. However, General Taylor did what Mr. Buchanan had so singularly omitted to do. He answered to the applications which the Nicaraguan republic had addressed to this for protection against English encroachment, and says, after a recognition of the correctness of the positions taken by the Nicaraguan government, that "the representations of Nicaragua had been received with lively and painful interest," and that the United States would coöperate to "vindicate her just territorial rights, and secure her peace and prosperity." Assurances to the same purpose were made by Mr. Clayton. How have they been redeemed by him or his successor?

Mr. Squier received instructions from Mr. Clayton, from which may be gathered his intention to make a treaty with Nicaragua, not wholly inconsistent with our interests and the promises we had made. Unfortunately, however, the treaty made pursuant to those instructions was suppressed by Mr. Webster. And more unfortunately still, Mr. Clayton made a treaty with England, which, under the construction given by his successor, surrendered the very rights it was intended to protect, and was fatal to the treaty negotiated by his own agent, under his own instructions. Mr. Clayton says, after a masterly and conclusive argument against the right of the English under the Mosquito King:

"It is manifest, indeed, that the rights claimed by Great Britain nominally in behalf of the Mosquito King, but really as her own, are founded in repeated usurpations, which usurpations were repeatedly and solemnly acknowledged and relinquished by her during the domination of Spain on the American continent. Since that domination has ceased, those claims could have had no other foundation for renewal than the supposed weakness or indifference of the governments invested with the rights of Spain in that quarter."—*Instructions of John M. Clayton, Secretary of State, to Mr. Squier, Ex. Doc. 75, 31st Cong., 1st Sess.*

And again, giving his own views of the Clayton and Bulwer treaty:

"We have never acknowledged, AND NEVER CAN ACKNOWLEDGE the existence of any claim of sovereignty in the Mosquito King, or any other Indian in America. *To do so would be to deny the title of the United States to her own territory.* Having always regarded the Indian title as a mere right of occupancy, we can never agree that such a title should ever be treated otherwise than as a thing *to be extinguished at the will of the discoverer of the country.* Upon the ratification of the treaty, (the Clayton and Bulwer treaty,) Great Britain will no longer have any interest to deny this principle, which she has recognized in every other case in common with us. Her protectorate will be reduced to a shadow, "*Stat nominis umbra*," for she can neither occupy, fortify, or colonize, nor exercise dominion or control in any part of the Mosquito coast, or Central America. To attempt to do either of these things, after the exchange of ratifications, would inevitably produce a rupture with the United States. By the terms of the treaty neither party can protect to occupy, nor occupy to protect."

Mr. Clayton further instructs Mr. Squier:

"We are willing to enter into treaty stipulations with the government of Nicaragua that both Governments shall protect and defend the proprietors who may succeed in cutting the canal, and opening water communications between the two oceans. All apprehensions may, and will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it, is not to acquire for ourselves any exclusive or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to enjoy the same benefits, *and will agree to be bound by the same conditions.*"

And yet again Mr. Clayton says as to boundaries—and in utter exclusion of the English Mosquito claim:

"Against the aggressions on her territory, Nicaragua has firmly struggled—and protested without ceasing, and the feelings of her people may be judged from the impassioned language of the proclamation of her Supreme Dictator, November 12th, 1848. The moment [says he] has arrived for losing a country with ignominy, or for sacrificing the dearest treasures to preserve it. As regards myself, if the power which menaces sets aside justice, I am firmly resolved to be entombed in the remains of Nicaragua, rather than survive its ruin."

The eloquent appeal of the Minister of Nicaragua to his government, is evidence not less striking than impressive of the disposition of an injured people to resist what they believe to be injustice and oppression. Will other nations interested in a free passage to and from the Pacific ocean by the way of the river San Juan and Lake Nicaragua, tamely allow that interest to be thwarted by such pretensions? Meaning of the Mosquito protectorate of Great Britain! "*As it regards the United States, this question may be confidently answered in the negative.*"

Now, if all this means anything, it means to say that Nicaragua has a right to the line of proposed inter-oceanic communication, including the port of San Juan; and that we will protect this right, if she gives us the right of way—every line. The mere fact of treating with her about the matter, acknowledges her right. The instructions to Mr. Squier, provide that Nicaragua shall only "*enter into treaty stipulations with other nations that may claim to enjoy the same benefit, and will agree to be bound by the same conditions.*"

This very condition of the treaty with Nicaragua, forces England either "*to be bound by the same conditions,*" an acknowledgment of the right of Nicaragua to the port of San Juan, or it cuts her off from the equal enjoyment "*of the same benefits*" of the transit route. Pursuant to these instructions, Mr. Squier made a treaty with Nicaragua, carrying out their spirit and intention, fully and fairly. I cannot give the treaty in full, but the following clause shows its character:

ART. 36. "It is expressly stipulated that the citizens, vessels, products, and manufactures of all nations, shall be permitted to pass upon the proposed canal, through the territories of Nicaragua, subject to no other, nor higher duties, charges or taxes, than shall be imposed upon those of the United States: *Provided always, That such nations* shall first enter into the *same treaty stipulations and guarantees respecting said canal, as may be entered into between the State of Nicaragua and the United States.*"

The same provision is made in the treaty of commerce, negotiated at the same time. The right of way was granted by Nicaragua to American citizens; and this treaty, as is obvious, would bring all nations into league against England, if she refused to make the same. Had this treaty been adopted, Nicaragua would have been secured according to her prayer to us, and our solemn pledges to her, against the encroachments of England.

Of course England opposed this treaty in Nicaragua, by every art, which I have not space here to expose. She failed; and as far as Nicaragua was concerned, the treaty was made 23d September, 1849. It was sent home, approved by General Taylor, and submitted to the Senate. It was never acted upon. The death of General Taylor placed our foreign relations in other hands than those of Mr. Clayton, and gave the English Government the power it would probably not otherwise have had, to turn against us those very acts of Mr. Clayton, which, if unwise in the last degree, wanted yet the action of Mr. Fillmore and his Cabinet, to become altogether disgraceful.

Mr. Clayton, pending the negotiations above alluded to with Nicaragua, and no doubt, as he has often declared, for the purpose of concluding forever the British claims, of whatever character, which came in conflict with the rights of Nicaragua, committed the fatal error of treating with England in an affair in which she had no right. He intended, by the very terms of the treaty, to declare that she had no rights. Why, then, in the name of common sense, should he have treated about those rights as if they existed? But here is the article of the treaty on which all the outrageous claims of England are based, and by which, under the construction of this Administration, we are made to yield the whole question originally in dispute, and to stultify ourselves before the world:

"ART. 1. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or people, for the purpose of maintaining or erecting any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or the subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or the subjects of the other."

Now, no doubt this appeared clear to Mr. Clayton, and no doubt he thought that by no greater sacrifice than the great principle of "non-intervention by the Powers of Europe in the domestic affairs of the independent States of this continent," he had attained his object and avoided any collision with England. On the contrary, England has so construed the treaty as to make it an acknowledgment of all her most extravagant demands. Mr. Bulwer says, in a letter to Mr. Webster, that the agreement was not designed to affect the position of Great Britain as to the Mosquito kingdom—and argues that the mere reference to protection contained in the treaty recognizes the right and the fact, and that England only meant to say that she would not exercise this protectorate so as to interfere with the proposed canal. Under this construction, England now occupies San Juan—*now oppresses* Nicaragua, *and now* sustains the very protectorate under which she had perpetrated all the wrongs we have pledged ourselves to redress. In further evidence of the construction put on this treaty by England, and also her mode of dealing with refractory republics, see this letter from the representative of England in Central America to the government of Nicaragua, 15th August, 1850:

"Instead of insisting on its supposed right to the Mosquito shore, Nicaragua would best consult her interest by at once making good terms with England—for resistance in this matter will be of no further avail. It is impossible that Nicaragua should be ignorant of her Britannic Majesty's relation to the Mosquito question, as it has before it the letter of Viscount Palmerston, of the date 15th April last, in which he declares, in the most clear and direct terms, the utter impossibility of acceding to the pretensions of Nicaragua. On the other hand, the treaty of Messrs. Clayton and Bulwer, about which you have so much to say, and in which you express so much confidence, expressly recognizes the Mosquito kingdom, and sets aside the rights which you pretend Nicaragua has on that coast. The true policy is for Nicaragua to undeceive herself in this respect, and to put no further confidence in the protestations and assurances of pretended friends, (viz. Americans.) It will be far better for her to come to an understanding, without delay, with Great Britain, on which nation depends not only the welfare and commerce of the State, but also the probability of accomplishing anything positive concerning inter-oceanic communication through her territories, because it is only in London that the necessary capital for such an enterprise can be found."

I will not now argue the question if this be the true construction; it is or it is not. If it is, we have surrendered the Monroe doctrine wholly; we have violated our pledged word willfully, and we have, by acknowledging the Mosquito king, subverted the very principle on which all territorial

right in the New World rests, viz: that the aborigines had only a possessory right, and no sovereignty or eminent domain over any part of it. If it is not the true construction, we are permitting England to violate her treaty obligations with us most injuriously every day, and by this same violation of faith with us, to inflict the deepest wrong on the sister republic which had claimed, and to which we had promised our protection.

This would be our position if no further action had been taken by this Administration after Mr. Clayton left the Department of State. But, sir, I grieve to say that the most intolerable part of the record remains to be completed. And here, sir, I wish to bring a most significant fact before the committee and the country. On the 26th of February, 1851, the following letter was addressed by the Minister of Nicaragua to the Secretary of State, (Mr. Webster.) I give a translation as literal as possible:

WASHINGTON, *February* 24, 1851.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the republic of Nicaragua, has the honor to address Mr. Daniel Webster, Secretary of State of the American Union, to submit to him a few remarks concerning the interpretation that Great Britain has believed necessary to give to the treaty concluded between this last Power and the Government of the United States, the 19th April, 1850. It is notorious to all that the said treaty has for object to give the most complete security for the execution of the maritime canal through the Isthmus of Nicaragua and to guaranty the neutrality of this important way of inter oceanic communication. Without any doubt to attain this object, and in order to avoid difficulties of any kind to the lawful execution of said treaty, both Governments have thought necessary to insert in the articles, the nomenclature of the States, districts, and localities adjoining the place through which the canal is going to run, among others the coast and the Mosquito country which form and constitute, and that have constituted and formed an essential and integral part always of the republic of Nicaragua.

Hence arose that Great Britain, wishing to take advantage of the same test and the clauses of the treaty, has directed all her agents in Central America, and principally in Nicaragua, new instructions and communications in which expressly is stated that the Government of the American Union recognizes the existence of the pretended Mosquito kingdom, and the usurpation of the port of San Juan, and that, far from debilitating the rights of the savage chief, the treaty confirms them in full.

The undersigned, although fully persuaded of the error of the British Government, cannot help, on this account, to address Mr. Daniel Webster, Secretary of State, with the view of ascertaining if the Government of the Union really intends to recognize the existence of a territory separated, covering, and independent of the republic of Nicaragua, generally known under the name of the coast and Mosquito kingdom, and if the actual Administration which directs the destinies of the American people so wisely and prudently, abounds in the ideas and principles expressed in the dispatch of his honorable antecessor of the 7th of May, 1850, directed to the Chargé d'Affaires of the republic of Nicaragua. The undersigned avails himself of this opportunity, &c., &c.

To which letter no answer has yet been returned. Perhaps this silence, apparently unaccountable, will be made intelligible by considering carefully the *projet* of a convention signed by the Secretary of State for the United States, and the British Minister, (Mr. Crampton,) and presented to the government of Nicaragua. The *projet* should be inserted entire, but its length forbids. I give its substance, under all the responsibilities for any misrepresentation:

I. That the entire southern bank of the river San Juan and Lake Nicaragua, including the department of Nicoya, or Guanucaste, on the Pacific, shall be definitely conceded to Costa Rica.

II. That the Mosquito kingdom shall comprise the territory lying between the mouths of the rivers Rama and Segovia, on the eastern coast of Central America, and shall extend inward to the meridian of 83° 30′ west longitude.

III. That the port of San Juan de Nicaragua shall be "*ceded*" to Nicaragua by his august Majesty, subject to a variety of conditions, amongst which is a recognition of all Mosquito grants, and the surrender, for three years, of all duties collected there, at a rate of ten per cent. annually, to this august potentate.

The Mosquito Indians do reserve to themselves, out of the territory heretofore claimed and occupied, on the eastern coast of Central America, a district of country to be bounded as follows: Beginning on the shore of the Caribbean Sea, at the mouth of the river Rama, which is 11° 34′ north latitude, and 83° 46′ west longitude, running thence due west to the meridian of 84° 30′ west longitude from Greenwich, thence due north on said meridian to the river Segovia, thence down said river to the Caribbean Sea, thence southerly along the shore of said sea to the place of beginning, and all the rest and remainder of the territory and lands lying southerly and westerly of said reservation, heretofore occupied or claimed by the said Mosquitoes, including Greytown, they shall relinquish and *cede* to the republic of Nicaragua, together with the jurisdiction over the same, in consideration of the net receipts for three years from all duties levied and collected at Greytown, at the rate of ten per cent. *ad valorem* on all goods imported into the State—the period of three years to commence on the day when Nicaragua shall formally take possession of and enter into the occupancy of said town. The said net receipts to be payable quarterly to such agent as may be appointed to receive them.

Nicaragua is required not to molest or interfere with the Mosquito Indians within the territory reserved to them.

The first thing which strikes one on examining this *projet* is the recognition of the Mosquito kingdom. This it not only does expressly by setting forth its boundaries, but by stipulating for the cession ("*ceded*" is the term used) of the port of San Juan on certain oppressive conditions, by the Mosquitoes to Nicaragua. Now, as to this Mosquito kingdom, in the extracts already made from Mr. Clayton's instructions to Mr. Squier, the argument against any title in them is complete. But I will add a few considerations and authorities to the same purpose:

"The Mosquito Indians are sunk in the lowest state of ignorance and barbarism. Their number (including the Woolwas, Ramas, Towkas, and others not recognizing the sovereignty of the Moscos) does not exceed five thousand." —*Mr. Hise, United States Chargé d'Affaires, to Mr. Buchanan, February*, 1849.

"The Mosquitos are inferior to the Indians of the United States in personal appearance, and infinitely below them in the mental scale. They are squalid and miserable beyond description. From the best of my information the 'nation' does not exceed one thousand or fifteen hundred, and it is not probable that one tenth of those have any idea of a national character. It should be understood that a number of Indian tribes in the interior are claimed by the English to be under Mosquito jurisdiction, but I cannot learn that they admit any such authority. On the contrary, they actually prohibit, under penalty of death, any intermixture with the Mosquitos."—*Mr. Squier, United States Chargé d'Affaires, to Mr. Clayton, June*, 1849.

"They do not appear to have any idea of a Supreme Being."—*Young's Mosquito Shore*, p. 72.

"Chastity is not considered a virtue; polygamy is common amongst them."—*Ib.* p. 73.

"A plurality of mistresses is no disgrace, and it is not uncommon for a British subject to have one or more of these native women at different parts of the coast. They have acquired great influence through them."—*Macgregor's Report to British Parliament.*

"I have never known a marriage celebrated amongst them. The children are, in general, baptized by the captains of trading vessels from Jamaica, who perform the ceremony with anything but reverence on all who have been born during their absence. Many of them are indebted to them for more than baptism. I could enumerate more than a dozen children of two of these captains. By this licentious and immoral conduct, they have identified themselves with the natives. Their arrival is hailed with joy, as the season of festivity, revelry, christening, and debauchery." —*Robert's Mosquito Shore*, p. 109.

And the Secretary of State of Nicaragua to Lord Palmerston, says:

"You know, sir, very well, that the established practice for a society which considers itself capable of assuming the rank of a nation, to obtain its recognition as such, is, to solicit through its chief, his ministers, or direct accredited agents, the recognition of established States. But this rule of international law has in no way been complied with by the pretended King of Mosquito, who, it is alleged, now assumes to raise the question of boundary with Nicaragua. This government has not recognized, and will never recognize such a kingdom as 'Mosquito,' much less the territorial pretensions of which you speak. No such king has existed, or now exists. It is preposterous, sir, that a few savages, wandering in the forests and wastes on the coasts of Honduras and Nicaragua, living by the chase and fishing, without houses, without a known language, without written characters, arts, laws, or religion, without any of the elements which, according to received principles, are necessary to a national existence—that such a horde of savages should profess to constitute a regular society, or what is more, a kingdom!"

Chief Justice Marshall says—and the opinion has never been contradicted or questioned—in regard to all Indian title:

"While the different nations of Europe respected the rights of the natives *as occupants*, they asserted the *ultimate dominion* to be in themselves."

And again:

"The United States maintain, as all others have maintained, that discovery gave the exclusive right to extinguish the Indian title to occupancy, either by purchase or conquest, and also gave a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise."

But, sir, not only are the Mosquitos incapable of the rights asserted for them in this treaty, but the republic of Nicaragua has a title to the port of San Juan and the whole of the territory to be "*ceded*" by this *projet* as clear and indisputable as the United States to the District of Columbia. In 1502, Columbus sailed from Cape Honduras to the Isthmus of Panama, and took possession in the name of Spain. There are grants made in close and constant succession of different parts of this coast by Spain down to 1786. England had, however, attempted to exercise sovereignty over part of the Mosquito shore in the mean time; but by a treaty of the above date she recognizes the title of Spain, and withdraws her protection from such of her subjects as may "*be so daring*" as to settle on the territory belonging to Spain. The terms of this treaty are recognized and renewed by the treaty of Madrid, dated August 28th, 1814. The history of the time from 1814 to 1824 exhibits abundant proof of occupancy by Spain of this coast; and when the confederation of Central America declared its independence, England herself recognized it with the boundaries settled in the constitution as reaching from "sea to sea." And on the dissolution of that confederation England also recognized the boundary of the State of Nicaragua, which was declared to run from sea to sea. By two treaties with Spain, one in 1836, the other in 1850, the title of Nicaragua is recognized over the *Mosquito coast* and "*from sea to sea.*" The port of San Juan, which this *projet* would make Nicaragua purchase from the Mosquitos, was fortified by Spain as early as 1665, and the defenses renewed in 1727, and her occupation of it uninterrupted till 1824, when the troops of Nicaragua expelled the Spanish garrison. In 1842, and also in 1844, San Juan was blockaded by England as a port of Nicaragua, to recover claims brought against Nicaragua. And England never in any way, till 1847, disputed the title of Nicaragua, at least to this point; and never in any manner asserted the Mosquito title south of Blewfield's Bay before that year, when, as I have before shown, she determined to control the terminus of the inter-oceanic communication, and under this ambulatory Mosquito claim seized with an armed force the port of San Juan, driving out the troops of Nicaragua, and holding it herself, as she still holds it, under the affectation of a Mosquito protectorate.

The *projet* also contemplates a robbery of Nicaragua in favor of Costa Rica, which is so clearly and concisely exposed in the following extract, that with it I may finish this part of the subject:

"Upon the independence of Central America, the various provinces of the old Captain Generalcy, corresponding to our thirteen colonies, took the rank of independent States, and, as such, subsequently entered into the confederation of Central America. Each State assumed the boundaries which it had possessed as a province. From this arrangement there was no dissent. As provinces, the boundary between Costa Rica and Nicaragua had been repeatedly defined by royal decrees, by the historians of the country, and by the official maps. This was a right line, running from the lower or Colorado mouth of the San Juan river, to the mouth of the Rio Salto de Nicoya, or Alvarado, on the Pacific. All the Spanish maps, from the earliest periods to that of the disruption of the Spanish Empire in America, all lay down this line as a boundary. But upon this point the best evidence is that furnished by Costa Rica herself. In her first constitution, (art. 15, chap. ii,) dated Janurary, 1825, she defines her boundary on the north to be precisely what we have stated, *i. e.*, the mouth of the San Juan on the Atlantic, and that of the Alvarado on the Pacific. Were any further evidence necessary, it is afforded by the map attached to Thompson's Guatemala, which was furnished to the author of that work, officially, by the Government of the republic of Central America, of which Costa Rica formed a part. There was neither misunderstanding nor dispute upon the subject."

"So things remained up to the 9th of December, 1826, when the Federal Congress, from causes in no way connected with any question of territorial right, passed a decree as follows: '*For the present*, and until the boundaries of 'the several States shall be fixed in accordance with act 'seven of the constitution, the department of Nicoya (or 'Guanucaste) *shall be separated* from Nicaragua and attached to Costa Rica.' Although this decree was provisional, Nicaragua did not submit to it without an earnest protest, in which the inhabitants of the district also joined. The Congress, however, never proceeded to define the limits of the respective States, and in 1838, the confederation was dissolved. By the dissolution, the original rights of the States, territorial as well as all others, reverted to them again in their sovereign capacity. The temporary alienation of Nicoya ceased, and it reverted to its true proprietor, whose rights, at the most, had only been suspended. Yet, it is upon this temporary concession of the Federal Congress that any claim of Costa Rica must rest; but no claim thus founded can for a moment receive the sanction of reason.

"Still, admitting it to its full extent, and admitting that Congress not only had the right of separating Nicoya from Nicaragua, and supposing that it had exercised the power with a view to permanency, and that the whole transaction had been concurred in by Nicaragua, yet, even then, Costa Rica could not claim a foot beyond the *actual limit of the department of Nicoya*, which constitutes less than one third of the vast territory which Mr. Webster proposes to surrender to her! Nicoya is comprised between the southwestern shore of Lake Nicaragua and the Pacific, and embraces no portion of the territory south of Lake Nicaragua, and below the San Juan river, a territory over which Nicaragua has always maintained jurisdiction, where she

has had forts for centuries, and which she still occupies. As late as 1846, Costa Rica negotiated with Nicaragua for the *privilege of passing through this territory*, and in 1848 made overtures for the purchase of it."

This plan for the partition of Nicaragua was presented to her Minister here. He resisted and expostulated, but in vain; it was sent to Nicaragua, and, after being considered by the Government, was replied to by the following decree:

The Director of the State of Nicaragua to its Inhabitants:

Inasmuch as the Legislative Assembly has decreed the following:

The Senate and Chamber of Representatives of the State of Nicaragua, in Assembly convoked—

DECREES:

ART. 1. The State of Nicaragua does not accept the project of convention or recommendatory basis, adjusted on the 30th of April last, between his Excellency Daniel Webster, Secretary of State of the United States, and his Excellency J. F. Crampton, Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, in respect to the territorial boundaries between Costa Rica and Nicaragua, and the separation of the Mosquito coast.

ART. 2. The State of Nicaragua is disposed to have the question started, in connection with the points mentioned, discussed before imperial arbitrators.

ART. 3. The State of Nicaragua protests solemnly against all foreign interference in the affairs of its government, and against the use of force to coerce its will or violate its rights.

Given in the Hall of Sessions of the House of Representatives, Managua, July 14, 1852.

AUGUSTIN AVILEZ, *Rep. Pres't.*

JOAQUIN CUADRA, MARIANI BOLANOS, } *Rep. Sects.*

In the Executive Hall of the Senate, Managua, July 16, 1852.

MIGUEL R. MORALES, *Senate Pres't.*

J. DE J. ROBLETO, T. GUERRA, } *Senate Sects.*

Therefore, let it be executed. J. L. PINEDA,
Supreme Director of the Government of Nicaragua.

MANAGUA, *July* 19, 1852. A true copy:
CASTILLON, *Secretary of Foreign Affairs.*

The following decree had been passed before (viz: in October, 1849) by the same authority:

"The Legislative Chambers of the Republic of Nicaragua, in view of past events and existing circumstances, in conformity with the settled sentiments of the people which it represents, solemnly declare:

"1. Their adhesion to the principle of the total exclusion of European interference from the domestic and international affairs of the republican American States, as necessary to their peace and independence.

"2. That the extension of monarchical institutions by conquest, colonization, or by a support of savage chiefs to sovereignty, or savage tribes to national existence, or by other means upon the American continent, is in opposition to the interests of the republican American States, dangerous to their peace and safety, and an encroachment upon their individual and collective rights."

And thus the affair was suspended; and nothing but the firmness and decision of the Nicaraguan government has saved us from the deep guilt involved in the *projet* just discussed. When it was discovered that this plan would be opposed by the Minister of Nicaragua, application was made to his government for his recall; this was refused, as he was a long-tried and trusted representative, and the reasons of the demand were asked for; they were not given, but after the death of the then Secretary of State, as lately as the 30th of December, 1852, only the other day, the present Secretary of State addressed a note to the Minister of Nicaragua, refusing to recognize him in his official character; thus proving the persistence of this Administration in the same policy which had dictated the refusal to answer the inquiry contained in the letter to Mr. Webster, inserted above, and making the present Secretary of State a sort of administrator, *de bonis non*, of the unexecuted vengeance of his predecessor.

The last point to which I shall ask the attention of the committee, is the seizure by England of the islands of Roatan, Bonacca, &c., &c., in the Bay of Honduras. This has been completed in two acts; on the 10th of August, 1851, the superintendent of the Balize took possession of, and attached these islands as a dependency of the Balize.

In July, 1852, they were regularly organized under the name of the "Colony of the Bay of Islands." That this is a manifest violation of the Clayton and Bulwer treaty, in the sense which it bears on its face, does not admit of contradiction. But it is contended by the agents of England, that under the explanations and exceptions and conditions between Mr. Clayton and Mr. Bulwer, that British Honduras was not within the scope of that treaty, or its dependencies. Now, admitting this proposition, it is a fact known to every one that these islands were only held by the English themselves to be dependencies of British Honduras in August, 1851, more than a year after the treaty was concluded; consequently, they could not have been "*the dependencies*" spoken of in the secret conditions of the treaty. But it is perfectly clear that, under existing treaties, (from which I have already cited paragraphs for other purposes,) in unbroken series from 1763 to 1814, and now governing the relations between England and Spain, and from laws passed by the English Parliament, and now in force, that England had no such right even in the Balize or British Honduras, as is asserted over these islands.

Under these treaties, the Balize itself belongs to the State of Guatemala, and the islands now in dispute as clearly to Honduras. By the seventeenth article of the treaty of peace, of 1763, it was provided that "His Britannic Majesty shall cause 'to be demolished all the fortifications which his 'subjects have erected in the Bay of Honduras, 'and other places of the territory of Spain, in 'that part of the world, within four months."

The English did demolish some of their forts, but retained some of their establishments, which violation of the treaty of 1763 led to another war. This war was concluded by a treaty of peace in 1783, by which the English were allowed the privilege of cutting logwood in the district "lying be-'tween the rivers Hondo and Balize, provided that 'the stipulation shall not be considered as derogating in anywise from the rights of sovereignty 'of the King of Spain." It also provides that all English subjects, "whether on the Spanish continent, or in any of the islands whatever dependent upon it," shall retire within the district above defined. As the conditions of this treaty were violated by the English, another was entered into, in 1786. The first article of this treaty is this:

"His Britannic Majesty's subjects, and the other colonist, who have enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exceptions situated beyond the line hereafter described as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the third article of the present convention.

"The English line, beginning from the sea, shall take the center of the river Libun, or Jabou, and continue up to the source of said river; from thence it shall cross in a straight line the intermediate land till it intersects the river Wallace, (Balize,) and by the center of the same river the line shall descend to a point where it will meet the line already settled and marked out by the commissaries of the two Crowns in 1783."

The third article provides that the English may cut certain woods, and "gather such fruits of the earth as are purely natural or uncultivated." And further:

"But it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any fabric or manufacture by means of mills, or other machines whatsoever, (this restriction, however, does not regard the use of saw-mills for cutting or otherwise preparing the wood,) since all the lands in question being indisputably acknowledged to belong to the Crown of Spain, no settlement of that kind, or the population which would follow, could be allowed."

In this settlement of boundaries, it will be observed that no islands are included; but as if to exclude all doubt upon that subject, the fourth article of the same treaty provides that the English shall use for certain purposes the island of Casina, of St. George's Key, but that "no fortifications shall be erected, or troops established there." Article fifth also provides that some small islands, (not, however, those now in dispute,) may be used by the English for the same purposes, and with the same restrictions as St. George's Key. "Spanish sovereignty over the country," and the exclusion of any "system of government, either military or civil," by any other Power, are expressly provided for in article sixth. It is obvious, therefore, that the British claim to the Balize is a mere possessory right guarantied and limited by treaty, and for certain specific purposes, and it is equally obvious that the islands in dispute are not under the treaties, or in any sense dependencies of the Balize.

The limits laid down for the English in the treaty of 1786, were within the territory claimed by and recognized by Spain, as belonging to Guatemala, and that State has the undoubted right, derived direct from Spain, to sovereignty over it. By the same title the islands in dispute belonged to the State of Honduras, and were acknowledged as her territory by Great Britain herself in 1830, when England disavowed in plain terms the act of the superintendent of the Balize in seizing the island of Roatan. The treaty of 1814 refers to and revives the treaty of 1786 with all the boundaries and rights which it contained, and that treaty is the law of the case at the present day. And England has so recognized it to be by acts of Parliament as late as 1819, and now in force, which amends an act passed in 1817, in which these words occur:

"Whereas, grievous murders and manslaughters have been committed at the settlement in the Bay of Honduras, the same being a settlement for certain purposes in the possession, and under the protection of his Majesty, but not within the territory and dominions of his Majesty," &c.

As to the part we should take in any dispute between Guatemala and Great Britain, in regard to the Balize, I have said enough before to indicate my opinion; but upon the much clearer question arising from the seizure of these islands, which were not dependencies of the Balize, but of the State of Honduras, and which were not claimed as dependencies of Balize for a year after the Clayton and Bulwer treaty, and which therefore could not come within the doubtful reservations, secretly made by Messrs. Clayton and Bulwer explanatory, I do not see how Americans can differ. The treaty of 1814 is plainly violated; the Clayton and Bulwer treaty is as openly broken in the clause which provides, "that neither Great Britain nor the United States shall occupy, fortify, or assume, nor exercise dominion over any part of Central America."

We should take such action as would enforce the treaty, let the result be what it may. It would be no war for conquest, but for the maintenance of national honor and good faith. It would result in placing us in our natural position, as the protector of those republics which have been created by the force of our example, and which have a right to look to us for aid in those emergencies in which we are as deeply compromised as they. I believe such a war—even if there should be a war from the assertion of our manifest rights—would terminate with extended territory, augmented power, and increased influence in the world. If, in its results, the ties which would exist between ourselves and the States of Central America, as guardian and ward—if the sympathy of a common republicanism should be drawn yet closer even to a political union—I can see nothing of evil augury in the prospect. Not that I would desire to see war for this or any other purpose, but to avert injury and disgrace; but I believe that such a war, and for such a purpose, is as sound in policy as right in morals.

ACQUISITION OF CUBA.

SPEECH OF HON. V. E. HOWARD,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

January 6, 1853,

In the Committee of the Whole on the state of the Union, on the duty of the United States to take possession of and hold the Island of Cuba.

Mr. HOWARD said:

Mr. CHAIRMAN: I have risen to address some remarks to the committee in reply to the observations of the honorable gentleman from New York, [Mr. BROOKS,] the other day, touching the course of the Administration in relation to the subject of Cuba. I think he has done great injustice both to the law and to the facts connected with the course of conduct pursued by the Administration, and that he has also done injustice to the American citizens who were the victims of Spanish cruelty connected with this affair. It is manifest that the subject of Cuba is becoming one of great and growing national interest in this country. Its importance to my own State consists in this, that if Cuba was in the hands of an adverse or unfriendly maritime Power of any great strength, it would be impossible for the States bordering on the Gulf of Mexico to get their products to market; our great staples must rot upon the wharves of our southern commercial cities. It is, therefore, a subject to

which we must direct our attention and dispose of in some form or other.

Now, sir, in relation to the expedition which was the subject of the gentleman's comments, I agree in one view expressed by him, and that is, that it was the duty of this Government to suppress all illegal private enterprises against Cuba, or any other foreign country. And, sir, it gives me pleasure to be able to say upon this occasion, that the Administration of Mr. Polk did suppress an illegal expedition that was contemplated shortly after our late peace with Mexico, and into which an effort was made to draw our soldiers on their return.

The letter of Mr. Buchanan, the Secretary of State of Mr. Polk, which has been so improperly published by this Administration, shows that that Administration interposed and suppressed a contemplated expedition against Cuba; that it issued directions to the officers of the army, and to all its civil officers who could act on the subject, directing that measures be taken that any such expedition should be suppressed. The measures adopted were efficient, and in this respect, the conduct of Mr. Polk's administration stands out in bold and honorable contrast with the course of his successors, for two such enterprises have since been set on foot, and descents upon Cuba effected in both instances. If the present Administration did not permit this expedition to go out, they were at least guilty of great negligence in relation to the matter, for which they ought to be held responsible to a just public opinion. For, sir, I take it to be an absurdity to say that this Government, with all its power, could not arrest an expedition confined to a single steamer. The use of ordinary diligence and exertion would have prevented that expedition from going out. Gentlemen on the other side cannot, therefore, accuse a Democratic Administration of this country of being negligent in relation to these expeditions against a neighboring Power; and in that respect, the Democratic party of this country stands in a much more favorable light, not only here, but elsewhere. I have no doubt that General Pierce will take efficient means to maintain and enforce the neutrality laws of the country.

While I am upon this subject, I may as well refer to another question. I am in favor of the Monroe doctrine; but I am not inclined to sustain certain resolutions that have been introduced into the other branch of Congress by one of the greatest statesmen of the country, which gives a formal notice to the world, that when any foreign Power attempts to settle or colonize on this continent, we will consider it an unfriendly act, a cause of war. I am not for abstract legislation on any subject. I do not see the propriety, by a joint resolution of Congress, of serving notice upon the whole world, after the manner of Richard Roe and John Doe in an action of ejectment, that whenever a colonization establishment, or any other settlement, shall be made upon this continent by a European Power, it shall be immediately a cause of war. I think that abstract legislation in all instances, is improper. The court which wanders beyond the record in deciding a case, in judicial proceedings, generally has to retrace its steps; and when the legislator attempts abstract legislation in advance of the times, he commits a fault still greater, and more inexcusable. I prefer that each case should be left to its own circumstances. It is the part of wisdom to leave every case to be determined by its own circumstances. They will not only be a law for themselves, but find a means for their own peaceful solution. To attempt to determine this matter by legislation is not compatible with the theory of our Government. In the first instance, it is more properly a question for the diplomacy of the Government; and in the next place, if diplomacy fails, it is a question for the war-making power. To declare this policy by a law, in the shape of a joint resolution, would in a great measure take it out of the hands of our diplomatic agents, and limit the discretion of the President, to whose custody it has hitherto been confided. Sir, it must be apparent to every reflecting man, that the European Powers are much more likely to quietly concede Cuba to us if we do not thus ostentatiously assert such a principle by legislation, than they are to acquiesce in this doctrine so broadly stated as it has been put forth in those resolutions to which I allude. It is rather calculated to irritate than to be of any practical benefit.

But, sir, I do not think that the Senate resolutions state the Monroe doctrine fairly. The Monroe doctrine is, that if colonization upon this continent by European Powers shall endanger our safety, shall conflict with our great national interests or peril our institutions, then it will be a cause of war; but it is not, as these resolutions seem to contemplate, that every settlement upon any sandbank on this continent is an offense, which is to result in war. I am opposed to any declaration, by legislative enactment or by joint resolutions of Congress, which would compel us in honor to go to war if a European Power should happen to take possession of any unimportant or barren spot upon this continent. I am in favor of this doctrine, that whenever a European Power undertakes to make a colonial establishment here which interferes with our great national interests, our national safety, or our institutions, we will then resort to the last argument, if the last argument becomes necessary to free ourselves of the difficulty; but I do not go beyond that. I am in favor of a practical enforcement of the doctrine when any necessary case shall arise.

But, sir, I am opposed to these resolutions for another reason. They are inadequate to the subject. They go upon the ground that we will not permit any foreign country to establish any settlement here; but at the same time that we permit present establishments to remain as they are, that we will never acquire Cuba without the consent of Spain. Now, I am at a loss to understand on what the Monroe doctrine, taking that view of the subject, is held to be based. If it has any sound basis, it must rest on a question of safety—that these colonial establishments interfere with our commerce and institutions, and endanger the stability of our Government. Well, if any existing establishment upon this continent interferes in the same way, and is pregnant with the same dangers, is there not as much reason that an existing establishment shall cease as there is that a new establishment or colony shall not be created? The one principle is precisely as broad as the other, and controlled by the same reasons. Sir, it is not a sound principle of international law which is attempted to be asserted by the Senate resolves. The whole doctrine rests, and can be based upon nothing else than that we have a right, under the international code, to take all those precautionary measures which the safety of the nation requires. Therefore, sir, for one, while Cuba remains in its present position—while it remains quietly under the power of Spain—while its present domestic relations are continued and its internal policy does not endanger our safety—I see no necessity for our attempting any design upon it.

But, on the contrary, if the projects of England should ever take a definite form, which have continued from 1820 to the present time—if there should be danger that any great maritime power will take possession of Cuba, and thereby disturb our safety, by locking up the commerce of the Gulf, including as it does that of the valley of the Mississippi and eight or ten States, then, under the international code as laid down by Vattel, Wheaton, and others, and as the principle has been stated by Chancellor Kent, we would be justified in taking possession of Cuba, although we might in justice and fairness be afterwards compelled to make a fair compensation for it to Spain, if the necessity for such a measure was created without any fault on her part, and if her conduct towards us had been fair and just.

Chancellor Kent thus states the rule on this subject:

"Every nation has an undoubted right to provide for its own safety, and to take due precaution against distant as well as impending danger. The right of self-preservation is paramount to all other considerations. A rational fear of an imminent danger is said to be a justifiable cause of war."—*Kent, Vattel, b. 2, c. 4, section 49, 50.*

I can well conceive that that necessity will probably arise. If any one of the great European Powers were to attempt to possess themselves of the Island, or if they were to attempt, what has been threatened, to change the institutions of the Island so as to make it a second St. Domingo, with a view of striking a blow at slavery in the United States, and thereby endanger the peace and security of the slave States upon the Gulf, then it would be the duty of this Government to interfere, and take possession of the Island and hold it as an American State or an American province.

The southern States on the Gulf would never permit Spain, as a matter of revenge in the case of a revolution by the Creoles, to abolish slavery in that Island, with a view to the destruction of the planters. They cannot permit such an example to be successful so near their shores. The instinct of self-preservation is too strong. This measure was threatened during the invasion of Lopez; it never can succeed so long as slavery exists in the United States; and any attempt of that sort, either by Spain or any other Power, will be followed by an immediate seizure of the Island, either by this Government or by the slave States on the Gulf of Mexico. There is no principle of international law that would require a great Government like the United States to permit itself to be thus assailed through a small colonial dependency of another and distant Power. England has been very prompt to protect herself from like dangers by at once taking possession of the point of danger. If Cuba had been as near her possessions as ours, she would have seized it long since on half the provocation.

On what principle do the British hold Gibraltar, Malta, and several other strong positions, which give them control over the commerce of the world? Why, they have assumed them as being necessary to the protection of their own commerce. Upon this question of necessity, the policy of the Government is well settled, if Cuba should ever pass from the dominion of Spain to that of any other Power. The danger to be apprehended to this country and its institutions from the acquisition of Cuba by any other Power, as well as the intrigues of England in relation to the subject, have been pointed out and made the subject of comment by nearly every Administration for more than thirty years. These dangers were suggested by Mr. Adams while Secretary of State in 1822, in his official dispatches to our Minister to Madrid. In his dispatch to Mr. Forsyth, he says:

"The present condition of the Island of Cuba has excited much attention, and has become of deep interest to this Union. From the public dispatch and other papers which you will receive with this, you will perceive the great and continued injuries which our commerce is suffering from pirates issuing from thence, the repeated demands made upon the authorities of the Island for their suppression, and the exertions, but partially effectual, of our own naval force against them." * * * "From various sources intimations have been received here, that the British Government have it in contemplation to obtain possession of the Island." * * * "There is reason also to believe that the future political condition of the Island is a subject of much anxiety and of informal deliberations among its own inhabitants; that both France and Great Britain have political agents there, observing the course of events, and perhaps endeavoring to give them different directions."

In his dispatch of April, 1823, Mr. Adams again comments upon the designs of England, with reference to the Island; upon the impossibility of its inhabitants maintaining an independent government, alleging, that "their only alternative of dependence must be upon Great Britain or upon the United States." In commenting upon the necessity of Cuba to the United States, he says:

"Such, indeed, are, between the interests of that Island and of this country, the geographical, commercial, moral, and political relations, formed by nature, gathering in process of time, and even now verging to maturity, that, in looking forward to the probable course of events, for the short space of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."

After Mr. Adams was elevated to the Presidency, he maintained his policy in relation to Cuba, which was substantially repeated to our Minister to Spain in 1825, by his Secretary of State, Mr. Clay. In 1827, our Minister to Spain, Mr. A. H. Everett, gave information to the Government of an effort of England to revolutionize Cuba, based upon a dispatch of the Spanish Minister at London. The Spanish Minister admitted to Mr. Everett, that his Government had received information of the efforts of England. Mr. Everett says in his dispatch of December 12th, 1827:

"I then mentioned to Mr. Salmon that, according to the information which the Government of the United States had received, the object of the plan was to place the Island under the protection of Great Britain; but that the form of

a declaration of independence was to be adopted, in order to avoid awakening the jealousy of the United States; that the United States would not, of course, be deceived by this artifice; that they could not view with indifference these movements of the British Government, considering it, as they did, as a settled principle, that the Island must in no event pass into the possession of, or under the protection of any European Power other than Spain."

Mr. Van Buren, as Secretary of State, in 1829, in his dispatch to our Minister to Spain, alluded to the designs of England and France with reference to Cuba and Porto Rico. With reference to the importance of the former to the United States, he said:

"The Government of the United States has always looked with the deepest interest upon the fate of those Islands, but particularly Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West India seas, its safe and capacious harbors, its rich productions, the exchange of which, for our surplus agricultural products and manufactures, constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States, that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations, connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made in that Island to throw off the yoke of Spanish dependence, the first effect of which would be the sudden emancipation of a numerous slave population, the result of which could not but be very sensibly felt upon the adjacent shores of the United States."

Mr. Forsyth, as Secretary of State, in his dispatch in 1840, repeated the views of his predecessors, and warned our Minister to be on the look-out against the designs of England on Cuba, of which the Government had been advised. Mr. Webster, in his dispatch as Secretary of State, to our Minister to Spain, says:

"The archives of your legation will show you that the subject of the supposed designs upon the Island of Cuba by the British Government is by no means new, and you will also find that the apprehension of such a project has not been unattended to by the Spanish Government."

In January, 1843, Mr. Webster communicated to our Consul at Cuba, the contents of a communication which he had received from a "highly respectable source," as to renewed designs of England upon Cuba. The writer makes statements about the designs of the British Ministry and British abolitionists, to bring about a revolution in Cuba, and erect it into a "black military republic, under British protection." He remarks, says Mr. Webster, "if this scheme should succeed, the influence of Britain in this quarter, it is remarked, will be unlimited. With six millions of blacks in Cuba, and eight hundred thousand in her West India islands, she will, it is said, strike a death blow at slavery in the United States. Intrenched at Havana and San Antonio, posts as impregnable as Gibraltar, she will be able to close the two entrances to the Gulf of Mexico, and even prevent the free passage of the commerce of the United States over the Bahama Banks, and through the Florida channel." And although Mr. Webster says the Government neither indorses nor rejects these views, they are so stated by him as to show that they made a deep impression on his own mind.

It is apparent from all this correspondence, that it is the settled policy of the Government that Cuba is not to pass from Spain without coming under our own jurisdiction, and that the Island is not in a position to permit it to be an independent government without making it dangerous to our commerce, institutions, and national safety. Since this correspondence, our immense Pacific commerce has arisen, which passes within sight of Cuba.

A very accomplished officer of the Navy, Lieutenant Dalghren, in his report on the subject of fortifications, has expressed an opinion, which is obviously true, that, with all the fortifications we can place on our coast, we cannot protect our commerce in the Gulf of Mexico, with Cuba in the possession of a hostile Government. Indeed, Cuba is far more necessary to us, than Gibraltar or Malta is to England.

Mr. Dalghren says:

"The true and only key, however, to the defense of these shores and to the immense interest there collected, is the Havana. The island to which it belongs enters its western extreme into the Gulf, leaving but two passages for vessels, so narrow as to be commanded with the greatest facility; these are the great thoroughfares of trade, and the mail steamers from New Orleans to California and New York. Hence if the use of the Havana be even at the disposal of an enemy while in the hands of a neutral Power, each and all of these interests could be with difficulty defended, even by a superior naval force, and never guarantied against severe losses. While from it, as a United States port, a squadron of moderate size would cover the southeast and Gulf coasts, protect the foreign and inshore traders, and secure the lines from New Orleans or New York to the Pacific States by way of the Isthmus—its occupation would necessarily be the object of every expedition, military or naval, preliminary to any attempt on the southern trade or territory."

The rule of international law for which I am contending, is thus stated by Mr. Wheaton:

"Of the *absolute* international rights of States, one of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other States, but a duty with respect to its own members, and the most solemn and important which the State owes to them. This right necessarily involves all other incidental rights which are essential as means to give effect to the principal end."

The European Powers are estopped from denying the application of this doctrine in its fullest extent, by having repeatedly acted upon it. By the treaty of Utrecht the French Government was compelled to demolish the fortifications at Dunkirk, because dangerous to others. By the treaty of Paris of 1815, France was compelled to demolish the fortifications of Huningen, and agree never to renew them, because dangerous to Basle. The doctrine of self-defense and self-preservation was the alleged justification of the combination of the Protestant Powers against Louis XIV., and for all the coalitions formed by the allied Powers against France, and more recently for the Congress of Troppau and Laybach, in relation to the Neapolitan revolution in 1820; for the Congress of Verona in relation to the affairs of Spain, and one of the grounds for British interference in the affairs of Portugal in 1826; for the interference of the Christian Powers in favor of Greece, principally on the ground that the contest encouraged piracies, and interfered with commerce; for the interference of Austria, Great Britain, and Russia, in the affairs of the Ottoman Empire in 1840. I do not mention these instances with approbation, but to show the existence of the right in a proper case, and that neither England, France, nor Spain, can complain of its exercise. England has seized possession after possession in India, on the ground that each instance was necessary to the preservation of her other possessions in that country.

The right of a government to take all necessary measures for its safety and self-defense consistent with reason and justice to other Powers, is stated more strongly by European writers than by our own. Vattel asserts that "since, then, every nation is obliged to preserve itself, it has a right to everything necessary to its preservation." * * * "A nation or State has a right to everything that can help to ward off imminent danger, and keep at a distance whatever is capable of causing its ruin; and that from the very same reasons that establish its rights to the things necessary to its preservation."

Cuba is even now in a transition state. It cannot continue long in its present condition. Revolts will continually occur there, for the seeds of liberty have been sown in that devoted Island. The people will be restive under the onerous and oppressive exactions of Spain. With the present commercial policy of that country, the revenues collected from the Island will not pay the army and navy necessary to keep the people in subjection. It is not, therefore, in my opinion, possible for the Island to long remain a dependency of Spain, and we can never with safety permit it to pass out of her dominion without becoming a portion of the United States. Cuba requires our utmost vigilance. The effort of England and France to induce us into a treaty in relation to the Island; the fact that those Powers combined to place fleets there under pretense of guarding its coast; the fact that England has assumed to erect a colony on the islands off the coast of Central America, and has now a considerable fleet in the Gulf and off the coast of Cuba, under the pretense of arresting the slave trade, all demand our vigilance, and preparation for any emergency. There is no doubt that, since the discovery of gold in Australia, England has, with increased interest, turned her attention to the Gulf of Mexico and the Isthmus, as a line of communication with her Asiatic possessions. We have been made to feel her power and weight in Mexico, in connection with the Tehuantepec route.

I dissent altogether from the position of the President that it would be inexpedient for us to acquire Cuba, if Spain consents to our acquiring it by treaty or purchase. I hold that it is our highest national interest to become the possessor of that Island as soon as we can by cession from Spain. I cannot see the danger of sectional agitation from its acquisition which is anticipated by the President. There are ten men in the United States now in favor of acquiring Cuba, where there was one in favor of the annexation of Texas at the time of the Tyler treaty. The commercial class of the North generally are in favor of the measure as soon as it can be honorably accomplished. It is obvious that the northern States would be largely benefited by it in a commercial point of view. It is, in my opinion, a great mistake to suppose the acquisition of Cuba would give rise to any fresh agitation of the slavery question. If the Island were in our possession, we should effectually suppress the slave trade, and to that extent, its transfer to us would not only diminish slavery, but arrest a traffic which results in an annual loss of the lives of colored persons, nearly, if not quite equal in number, to those reduced into slavery by the trade. If Cuba were converted into a black republic, it would soon become a mere harbor for pirates, and the northern States would be the first to cry for the acquisition of the country. There is no danger that the North would risk the consequences of rejecting Cuba. They have too much interest in the preservation of the Union; far more than the South. Their whole commercial and manufacturing prosperity rests upon it. We have passed that crisis for the present century.

Neither is there any danger from the character of the population in Cuba. With the aid of the thousands which would flock there from every portion of the United States, they would have no difficulty in working our system. The admission of a free press, and the Protestant religion, would work wonders in the Island in a short time.

I will proceed now to the course of the Administration, which was the subject of the remarks of the honorable gentleman from New York, [Mr. BROOKS,] the other day, touching the treatment which the prisoners taken in the Lopez expedition received by the Spanish authorities of the Island.

I repeat, that I am not a defender of the Lopez expedition, nor of any similar adventurers. But there are many things to be said in extenuation of that unfortunate occurrence. Cuba is, no doubt, oppressed by one of the worst governments on earth. It is more arbitrary than that of the Czar, and less humane because it is governed by officers from Old Spain, whose object is to amass wealth by oppressing the people by burdensome and onerous exactions. General Lopez, an ardent lover of liberty, was inspired with the ambition of freeing his country from this intolerable despotism. He pursued his high purpose with an energy, perseverance and courage, worthy of a better fate. He missed the fame and renown of one of the liberators of the age, only because his efforts were unfortunate. While the leader of a revolution is canonized by success, the unfortunate conspirator is covered with obloquy, and his name shrouded in disgrace. Narciso Lopez perished ignominiously by the garote, but his blood watered a soil that will yet bear the fruits of liberty, and a monument to his memory will hereafter be erected over the spot where he fell, by the hands of freemen. Every revolution generally has a victim before success.

It has been the policy of the authorities of Cuba to represent that the Creoles of the Island did not sympathize with the movement of Lopez. But the reverse is well known; an extensive revolt was at one time planned and organized. That is proved by the multitude of arrests and banishments, by the fact that all the prisons in the Island were crowded to overflowing. After the failure of the first expedition this organization was, to a great extent, broken up. A reorganization took place just before the second expedition of Lopez, and at one place, at least, a declaration of independence was promulged. There is no doubt that the extent of this movement was greatly exaggerated, and that the revolt was by no means as

extensive as a sanguine man like Lopez was easily led to suppose. He was also made the victim of a stratagem by the government of Cuba. It is now known that he received letters written at the instance of the government assuring him he had only to show himself with a few followers, and that the population would flock *en masse* to his standard. It was this impression, no doubt, that caused him to set out with so small an expedition. Had he landed with two thousand men and a few pieces of artillery, there is no doubt that the enterprise would have been entirely successful. But when the Creoles saw that he had made a descent with only four hundred men landing in the vicinity of Havana, they perceived at once that all was lost, and abandoned a movement which they believed could not maintain itself against the Spanish forces on the Island.

There is no question that Lopez and his men believed they were going in aid of an extensive revolt, and a well organized revolution. The expedition was not undertaken in the spirit of aggression and plunder, but with a sincere desire to aid the cause of liberty. The expedition succeeded in getting out of our ports and failed, and the Americans embarked in it having been taken prisoners, I maintain were entitled to the trial secured to American citizens by the treaty of 1795, with Spain. Now I ask if they received that trial in any aspect of the case? It will be seen, by the official correspondence, and also by the report of Commodore Parker, based upon conversations held with the Captain General of Cuba, as well as from the other correspondence which took place, and which may be found among our official documents, that the authorities of Cuba place the right they had to punish these men by trying them by the tribunals which did try them, and by denying them counsel as they did, entirely upon the ground that they were pirates. Now, I undertake to say, that no respectably adjudicated case can be found which will sustain the position that these men were pirates. What is a pirate? A pirate, according to the definitions of the writers on international law, is a robber upon the high seas. Such also is the definition of the Spanish law writers.

Piracy, says Chancellor Kent, is robbery, or a forcible depredation, on the high seas, without lawful authority, and done *animo furandi*, and in the spirit and intention of universal hostility. The Supreme Court of the United States has also defined the crime to be robbery upon the high seas; which is the universal definition of the writers on international law in modern Europe, including those of Spain. The offense of the Lopez men was not upon the high seas, nor done *animo furandi*, and no other piracy is known to the law of nations. Neither was it piracy within the definition of the offense given by the acts of Congress.

Now, sir, you know the principles of international law are founded upon usage, upon treaty, and upon custom, and require the usage of more than one nation to ingraft upon them a single principle. That is a well-received doctrine, which has been recognized by the Supreme Court of the United States in passing upon one of the acts of Congress which assumed to add to the international code. The same principle has been recognized by the leading Powers of Europe with reference to the slave trade, which cannot be held piracy apart from treaties. Spain could not make these men pirates by its own declaration; if they were not pirates under the laws of nations, they could not be punished as pirates. I am aware that there are some elementary writers who have said that in unlawful expeditions like this, where the men are taken prisoners, they are to be treated as pirates and robbers, not entitled to the laws of war. But this is to be taken with qualifications; for the proposition as applied to these prisoners, is not supported by a single English or American adjudication. When they commit robbery, they should be punished as robbers; when they commit piracy, they should be treated as pirates; and when they commit murder, they should be punished as murderers.

Such was the language of Mr. Clayton, under the administration of General Taylor. He did not admit that the Contoy prisoners were pirates. On the contrary, he asserted, in relation to all of them, and especially the Contoy prisoners, that they had not committed the offense of piracy, and could not be punished as pirates, remarking that murder and robbery were grave offenses, but not piracy. When the State of New York arrested McLeod for his expedition into that State, and the destruction of the Caroline, he was not tried for piracy, but, as homicide had been committed, he was tried for murder, and given a regular trial in all the forms of law. It is true, that Judge Cowan, in passing upon the case, cited those authorities which allege that persons engaged in these expeditions might be treated as robbers and pirates. These citations were not long since published in one of the papers in this city; but the learned New York Judge did not rely on them as authority in point. And when examined, it will be found that all they intend to assert is, that if the offender commits robbery, he may be punished as a robber; and if piracy, as a pirate. He is not entitled to the benefit of the laws of war, a position which will readily be conceded. I do not say that the Spanish officers were bound to admit these men to quarter, if they had been taken in conflict with arms in their hands; but having given quarter, having received them as prisoners, they were entitled to the rights of American citizens. The fifty men under Crittenden, who were taken and shot, had not arms in their hands when they were captured. They were endeavoring to make their escape from the Island in two boats, as I have been informed by good authority. The men were in one boat, and the arms in another, which probably accounts for their surrender. As American citizens, then, guilty, not of piracy, but of an offense against the neutrality laws of this country, and at most a conspiracy against Spain, they were ntitled to a trial. I concede that, as foreigners, they might commit treason against Spain, although that has been denied; but I think the affirmative of the proposition the better opinion. Still, they were American citizens, entitled to the benefit of the treaty of 1795 with Spain, which declares:

"And in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted ('por orden y autoridad de la justicia,') by order and authority of law only, and according to the regular course of proceedings usual in such cases."

It will be seen that the language of the treaty is very broad, and applies to any citizen or subject who has incurred seizure or detention for "offenses committed." It is clear these American citizens were seized and detained within the meaning of the treaty. How, then, were they to be prosecuted? "By authority of law only, and according to the regular course of proceedings usual in such cases." Such language in a statute in England or this country, would be held to guaranty to the accused a trial according "to the law of the land," which, since the days of Lord Coke, has been held to mean a trial by the course of the common law, by presentment or indictment, and a jury. In Spain they have no juries, but the language of the treaty evidently contemplates a trial in the regular course of proceedings according to the civil laws of Spain. Their lawyers and books draw a wide distinction between the proceedings of what they term the ordinary and extraordinary tribunals. Civil courts are held by them to be ordinary tribunals, military and ecclesiastical courts are extraordinary tribunals, and not the regular course of proceeding, under their law, any more than a court-martial is our regular course of proceeding. This is still more apparent by reference to the Spanish side of the treaty, which our Supreme Court held in the case of Clarke, to be the true exponent of the provision of another treaty with Spain, when it alluded to Spanish law and proceedings, and even corrected a construction which the court had previously given to the English article in the treaty.

The Spanish side declares that American citizens shall be arrested and prosecuted "por orden y autoridad de la justicia." Justicia is ordinarily rendered justice; but in this instance, and generally when used with reference to judicial proceedings, is more properly translated *judicature*. The word in Spanish is of a much more technical meaning than *law*, which is used as the English equivalent in the treaty. The Spanish authors, when they use the word with reference to the administration of justice, apply it to the course of proceedings in the civil tribunals. And such is evidently its sense in this treaty. That such was the intention of the treaty, is apparent from the dispatch of Mr. Pinkney, a profound lawyer, who negotiated it, and who said it was a proper provision in treaties with all such countries as Spain. It is evident that he supposed he had secured to his countrymen in Spain, a regular trial in the civil courts in all cases. The object of this provision of the treaty was to rescue the citizens of the United States from these extraordinary and arbitrary tribunals; from these military and ecclesiastical courts, which had been the disgrace of the age, and the scandal of christendom. At all events, it was the duty of the Administration to contend for a reasonable construction of the treaty, which secured a fair trial to American citizens.

The construction put upon the treaty by the gentleman from New York cannot be sustained. His construction is, that these citizens of the United States were tried and punished in the same manner as Spanish subjects, and therefore they and their friends had no right to complain. Why, sir, it was to avoid that very thing that the treaty was made. It was to avoid the necessity of the citizens of the United States being subjected to these infamous military and ecclesiastical tribunals that this clause in the treaty was inserted; and the construction that is now attempted to be put upon it, would destroy the whole force and virtue of the guarantees of the treaty.

Again, the trial by a summary court-martial, was a violation of the treaty; because Spanish subjects could not, under the laws of Spain, be tried for treason in those cases where the arrest was made by military authority; they may be tried by the ordinary council of war, which is a permanent tribunal, but not by a summary court-martial. The trial was not therefore the *regular proceeding* in such cases even for Spanish subjects, and in this respect was a violation of the treaty,—a point I shall present more fully in connection with the case of Mr. Thrasher.

Sir, the Spanish authorities attempted to evade the force of this treaty, as I have said, by declaring that these men were pirates, who were not pirates according to international law. It was only by holding that they were citizens of no country, but the common enemies of mankind, that Spain could shield herself from the charge of having violated the provisions of the treaty of 1795. If you will look at the report of Commander Parker, who was sent to Cuba by the President to investigate this affair, you will find that the Captain General places his justification upon that ground almost exclusively in his first interview with Commander Parker; and you will see furthermore, by looking at the report, that the Captain General did not pretend that they had a regular or legal trial—not even that they had a regular trial before a military commission. He admitted that the trial was summary. Commander Parker thus reports his interview with the Captain General:

"He stated that he considered them as pirates, and that they had been so denounced in the proclamation of the President of the United States. That they were tried in a summary manner, and full proof made of their guilt, and that of their participation in the invasion of the Island by Lopez. He did not consider himself at liberty to furnish me with the proceedings on the trial, but would send them to his own Government, and to the Spanish Minister at Washington, who would do whatever was right in the matter, on the call of the Government of the United States."

Where is this, no doubt, *ex post facto* record? Why, sir, I marvel that any gentleman in this House should call it a trial. Those men were arrested one day and shot the next. Fifty men were brought to Havana one day and executed the next. This shows the impossibility of there being anything like a trial, with a fair opportunity to contest the proceedings. But we know in what the trial consisted, from the statements of respectable Americans in Cuba at the time. Several officers went into the room where these men were confined and took their voluntary statements. They admitted that they had been in the Lopez expedition; and upon that admission the order was issued by the officers that they should be shot. Is that a trial? Is that the trial contemplated by the treaty? If it is, it is in vain to stipulate with a foreign Power that our citizens shall be tried according to the laws of the land, with an opportunity

to establish their innocence. We know that these men were not allowed to contest the jurisdiction of the pretended court; we know that they were not allowed counsel; we know that they were not permitted to have evidence, and we know that the whole thing was done in hot haste and in the spirit of revenge. Our Consul, Mr. Owen, came into town after they were condemned, interposed in their behalf, asked for a postponement, and for the release of some, if not all. The Captain General refused to permit him to intercede for the prisoners, and told him he must know that he was doing so against the wishes of his Government. The officers of Cuba hurried their victims to slaughter; and if the letters from Havana can be credited, their bodies after execution were brutally desecrated by the mob.

I think it, therefore, impossible to maintain that these men were tried by the regular tribunal secured to them by the treaty. But even admitting that it was regular to try them by a summary court-martial or any military tribunal, still I insist the treaty was violated; still I say that they did not have the benefits of the provisions guarantied to them by the treaty in relation to trials. It contemplates a trial which is not a mockery. It contemplates a trial which allows the party his witnesses. It contemplates a trial which allows him counsel. It contemplates a trial which gives him a hearing and not a judicial butchery.

Now, sir, it was asserted by the Spanish authorities—and it has also been asserted by this Administration—that if these men received such a sort of trial as Spanish subjects receive, then the stipulations of the treaty were complied with and secured to the criminals.

Sir, the treaty is not admissible of such a construction. The very reverse is the object of the treaty, and the bare reading of its words is sufficient evidence of the correctness of that position. The treaty declares:

"The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agent shall have free access to be present at the proceedings in such causes, and the taking of all examinations and evidence which may be exhibited in the said trials."

If we admit that the court which tried Crittenden's men, being a military tribunal, had jurisdiction of the case, still, I say, the treaty was violated in the trial. Because they were never regularly arraigned; because they were not allowed to plead to the jurisdiction; because they were not permitted counsel; and because they were not allowed the regular examination of witnesses in their behalf, according to all the accounts which have reached us. The treaty is a distinct substantive provision, as to the employment of counsel. It secures the right to American citizens to have counsel of their own choice "*in all their affairs*, and in all their trials at law." It relates to all trials before all the tribunals, whether civil or criminal, whether military or ordinary. It is therefore perfectly obvious that it never was the intention of Mr. Pinkney and the Spanish Minister, when they negotiated that treaty, to put it in the power of Spain, by transferring criminals to military tribunals, to deprive them of the right of counsel, the right of witnesses, the right of being present when the evidence was taken by which they were to be convicted. It is, therefore, in my estimation, preposterous to assume that American citizens, tried even before the military tribunals of Spain, can be deprived of counsel and witnesses merely because Spanish subjects are deprived of them.

Why, sir, I need not say to any lawyer in this House, that, whatever may be the general law of Spain, a particular provision for the benefit of American citizens made by treaty, is the law of the case, and that it is the duty of the Spanish tribunals to administer it as the law of the case.

I admit, that without such a provision, our citizens must be judged as the citizens of Spain are judged who have committed offenses within their jurisdiction. Suppose the Spanish Government passes an edict that when any one is believed to have committed felony, any officer of the army may order him to be shot without trial and without a hearing, does that abrogate our treaty with Spain? If the Cortes should pass a law declaring that no Spanish subject should have an advocate, agent, or counsel, on any trial before a Spanish tribunal, would it destroy, or in any way affect our treaty provision for the security of American citizens?

Sir, the Cuban authorities did not take any such position as to Crittenden and the other followers of Lopez, whom they executed. That was left to the ingenuity of the present Administration and its defenders. They knew that these men had not enjoyed even the benefit of the laws of Spain for the trial of its subjects who were guilty of treason. They were not even tried before the council of war, nor did they have the benefit of the rules of proceeding which prevail in that military tribunal. The Cuban authorities assumed that these men were pirates, and that whatever violence was done them, they were not citizens of any country, and therefore this Government could not complain. Now, sir, although the President did not formally denounce these men as guilty of piracy, although the administration of General Taylor stands committed upon the record of denying that the offense was piracy, yet in his proclamation Mr. Fillmore declared that "such expeditions can only be regarded as adventures for plunder and robbery." Certainly such was not the object of the leaders of that expedition, and to say so was to do gross injustice to their motives and characters. He then proceeds to inform them that they "will forfeit their claim to the protection of this Government, or any interference on their behalf, no matter to what extremities they may be reduced in consequence of their illegal conduct." In the first place this proclamation, by assuming the guilt of all parties in the expedition, anticipated the work of Concha's court-martial. It incited the Spanish authorities to pursue the very course they adopted.

If, sir, there was a provision in the treaty with Spain, which guarantied to American citizens the right of trial, the President could not give up that right unless they denationalized themselves by an act of piracy. He was bound to assert it for their benefit. The President cannot suspend the Constitution, nor treaty or laws made in pursuance thereof. On the contrary, he is compelled by his duty and oath of office to see them faithfully executed. It has been argued that the Lopez men had committed a heinous crime, and deserved to die; but men are not hung, in this country at least, by equity. The greatest criminals are as much entitled to the forms of law as the most innocent who are accused. If a guilty man may be condemned unheard, and without a trial, there is no safety for the innocent. The example set by Spain in the case of the Lopez men, if acquiesced in, places it in her power to execute any American citizen without giving him a fair trial. It has practically abrogated the treaty.

Again, sir, I disagree with the gentleman from New York [Mr. BROOKS] as to another branch of this subject. In the case of Mr. Thrasher, he has taken the ground that he had become naturalized, or at all events taken the oath of allegiance to the Crown of Spain, and that, therefore, he had forfeited his right of American citizenship, and was liable to be tried as a Spanish subject, and was not entitled to the benefits of the provisions of the treaty. Such, also, was the position of the Administration in relation to Mr. Thrasher, and they appear to have abandoned him to his fate without a struggle.

Sir, I am astonished that any one should take the position that Mr. Thrasher was naturalized, in view of the facts and the laws of Spain. What is the record, furnished by Concha himself, the Captain General of Cuba? It is, that Mr. Thrasher had not taken the oath of naturalization, and he summoned Mr. Thrasher before him when he attempted to publish a paper in Cuba in 1850, and prohibited him from publishing it, on the ground that he refused, when thus summoned, to take the oath of naturalization. He required him to discontinue his paper, or take the oath of naturalization. Thrasher refused to take the oath of allegiance to the Spanish Government, and was not, therefore, entitled to the benefits of the act of naturalization, and compelled to abandon his paper.

Mr. BROOKS, (interrupting.) Will the gentleman from Texas let me understand his point? Did I understand him to say that Mr. Thrasher did not take the domiciliary oath which was required of him by the Captain General of Cuba?

Mr. HOWARD. No, not the domiciliary oath. I admit he took that oath.

Mr. BROOKS. I believe the gentleman understands Spanish; the oath which he took was an oath of fidelity and vassalage to Spain—*juramento de fidelidad y vasallaje*. Is not that so?

Mr. HOWARD. No, sir, that is not so, if the gentleman means to assert that it was an oath of allegiance to Spain.

Mr. BROOKS. He was obliged to take such an oath under the laws of Cuba, of 1817.

Mr. HOWARD. I will set the gentleman right on that subject. In relation to that matter, gross injustice has been done Mr. Thrasher.

What is naturalization? When is a man naturalized? When he renounces the sovereign of his origin, and acquires the rights of citizenship under the Government to which he transfers his allegiance. Now, what were the laws of Spain in reference to that subject? I have here the regulation of 1791, contained in the official documents accompanying the President's message. But this whole subject of settlement and colonization in Cuba was regulated in 1817 by a special law. It did not require Mr. Thrasher to swear himself a Catholic, as the gentleman supposes. It only required satisfactory proof of that fact. The regulation is contained at length in a work of great authority recently published in Spain, entitled "Legislacion Ultra Marina."*

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* *Naturalization law of Spain in Cuba.*

1st. All the strangers belonging to friendly Powers or nations who wish to establish themselves, or who already are in the Island of Cuba, must make it clear by the proper means to her Government that they profess the Roman Catholic religion, and without this indispensable circumstance, they shall not be admitted to domicile themselves there; but as to my subjects of these dominions and of the Indies, they are not obliged to prove this, because that, in respect to them, there cannot be any doubt as to this point.

2d. As to the strangers who are admitted according to the preceding article, the Governor shall receive from them an oath [juramento de fidelidad y vasallaje] of fidelityland submission, in which they shall promise to comply with the laws and general orders of the Indies to which the Spaniards are subject.

3d. When the first five years are past from the establishment of these foreign colonists in the Island, and they shall then enter into an obligation to remain perpetually in it, all the privileges and rights of naturalization shall be conceded to them, likewise to their sons whom they shall have brought with them, or who shall have been born in the same Island, in order that they may consequently be admitted to the honorable employs of the republic and the militia, according to the talents of each one.

5th. During the first five years, the Spanish or foreign colonists shall have the liberty to return to their former countries or ancient residences—and in this case they shall be entitled to take from the Island all the property and goods which they shall have brought into it, without paying any dues whatever, for taking them away—but of those which they have gained in the above-mentioned time, they have to contribute ten for a hundred.

9th. The liberty of the foreign colonists to return to their countries or ancient residences during the first five years is *absolute*, without limitation or condition, and they shall be able to take away their property, or dispose of it as they shall see fit.

In the case of war with the Power which is the natural country or sovereign of the domiciliated colonists, these do not lose the rights and advantages of their domicile in the Island of Cuba, although the five years from their establishment shall not have passed. Their property shall not be subject to embargo, sequestration, or any other of the provisions, ordinary or extraordinary, of the state of war. Those who, notwithstanding the war, wish to remain permanently in the Island, to accomplish their five years and naturalize themselves, shall be allowed to do so with perfect liberty, being of credit, good lives and customs. To those who prefer to absent themselves, sufficient time shall be conceded, so that with ease and convenience they can regulate their affairs and dispose of their property, being allowed to carry away all the property they brought with them, or an equivalent thereto, without payment of any dues whatever—and paying for what they have gained since, ten for a hundred, according to the 16th preceding article.

24th. The five years being past, and the foreign colonists wishing to naturalize themselves, shall repair to the Government with their letters of domicile, and they shall manifest that they oblige themselves to remain perpetually in the Island. The Government shall take the proper means of information, and their good qualities being certified, their continued residence for five years, landed property or industry, they shall be admitted to take the oath of naturalization, in which they shall promise fidelity to the Catholic religion, the King and the laws, renouncing everything foreign, all privilege and protection that would arise from being foreigners, and promising not to retain any dependence, relation, or civil subjection to the country of their birth—with the explanation, that this renunciation does not comprehend the relations or domestic correspondences of family or relationship, neither the economies of goods or interests, which every citizen stranger can maintain according to the royal schedule, and instruction of the 2d of September, 1791, and circulars since.

25th. With the declared requisites the Government shall

The law of 1817, as to settlers in Cuba, is not unlike our own law of naturalization. It gives him five years to become naturalized, and gives him, in the mean time, the absolute right to return to his native land; and in case war broke out, he had the right to remove with all his property to his ancient home. At the end of five years he was to come forward to announce that it was his intention to remain perpetually in the Island, to prove his religion and his good conduct, and then to take the oath of naturalization, by which he was required "to promise fidelity to the Catholic religion, 'the King and the laws, renouncing everything 'foreign; all privileges and protection that would 'arise from being foreigners, and promising not to 'retain any dependence, relation, or civil subjec-'tion to the country of their birth." This was complete naturalization, but could only be acquired after proof of five years' residence. He was then furnished with his naturalization papers, and the law declared that "naturalized strangers shall enjoy all the rights and privileges of Spaniards." But this oath Mr. Thrasher refused to take when summoned before the Captain General, and it is therefore *res adjudicata*, in his office, that that gentleman was never naturalized, but refused to surrender his allegiance to the United States, and was in consequence refused the rights of a naturalized subject of Spain.

And now as to the domiciliary oath. It does not profess to be an oath of allegiance; and if it did, it would be in violation of the Spanish laws. It would confer no right on Mr. Thrasher, and would subject him to no loss of privilege as an American citizen. The domiciliary oath required him to swear fidelity to the laws of Spain and the Indies. It was, in truth, no more than the declaration required by our law of an intention to become a citizen, accompanied by an oath. Indeed it was not so much, as the Spanish law did not require such an intention to be declared. I am aware the form of oath furnished in the executive document, which was palmed off upon Mr. Webster by the Spanish authorities, purports to be an oath of allegiance; but if Mr. Thrasher ever took such an oath it was extra-judicial, and not authorized by the law, and gave no right. It was obviously a form of oath which had been made under the law of 1791.

The second section of the law of 1817 contains the whole regulation in force at the time of Mr. Thrasher's domiciliation. By that law he took, in the language of the law, "an oath (*juramento de fidelidad y vasallaje*) of fidelity and submission, 'in which they shall promise to comply with the 'laws and general orders of the Indies to which 'the Spaniards are subject." It is noticeable that while one of the translations from the Department correctly renders *vasallaje* submission, it translates *fidelidad*, *allegiance* instead of *fidelity;* but nothing is gained by this translation, as it is allegiance to the laws, and not to the Crown of Spain. It is nothing more than the law of nations, under which, if a man comes here, he is bound to obey and not to violate our laws; but that does not make him a citizen of the country. It gives him none of the rights of an American citizen; for the principle is too plain to be controverted, that no man can be naturalized in a country until he complies with the laws and institutions of that country, which confers upon him the rights of naturalization. Mr. Thrasher did not do that. He refused to do it, which Concha himself admits. It is true Concha says he was something more than an American citizen; that he was domiciled, and had taken an oath to obey the laws and orders of the Indies to which Spanish subjects were compelled to submit; but he was careful not to say it was the oath of naturalization.

I have chosen to place this matter on the indisputable ground that Thrasher could not become naturalized without renouncing his former allegiance, and taking upon himself the allegiance of Spain, according to the Spanish laws. The judicial doctrine of this country goes the length of saying that no one can lose his allegiance until a method is provided for effecting it, by an act of Congress. Chancellor Kent, after a review of all the decisions, thus states the law:

"From this historical review of the principal discussions in the Federal courts on this interesting subject in American jurisprudence, the better opinion would seem to be, that a citizen cannot renounce his allegiance to the United States without the permission of Government, to be declared by law; and that, as there is no existing legislative regulation on the case, the rule of the English common law remains unaltered."

Concha rested the right of Spain to try Mr. Thrasher in the manner he was tried on the ground that the military tribunal by which he was tried was a regular tribunal of the Island of Cuba, created by law. What was it, sir? It was composed of a brigadier of the army, and six other officers. I shall not repeat what I have said in relation to there being no right to try an American citizen before a council of war; but I will content myself with this position, which cannot be successfully refuted: Although it were a regular tribunal, and had the right to try him, he was entitled to his counsel, his witnesses, his proofs, and his defense. I have never heard his own published account of the trial denied, as a truthful statement of the facts. It was communicated to Congress by the President. Mr. Thrasher says:

"On the 21st October, I was thrown into a dungeon of the city prison, and all communication with any person strictly prohibited. On the 25th, I was removed to my present dungeon, and the fiscal of the military tribunal made his appearance and began a judicial examination. On the 26th ultimo this was continued, and then I saw no one until the 4th instant, when the question was proceeded with, and on the 6th I was again questioned, and *finally informed that I was accused of treason.* At the same time I was required to select one from a list of officers that was presented to me, who should conduct my defense. Not knowing any of them, I chose at random, supposing he would consult with me and with my legal advisers, as is usual in such cases, in regard to my defense. On the 7th instant, I was, for the first time, allowed to see my friends, and to consult with them as to the best course to pursue.

"I conferred with our consul, and he passed several communications in my behalf to the Government here, all of which have been utterly disregarded and not replied to. On the 11th, I was informed that I was to be brought up the next day *for sentence.* I immediately wrote to my nominal defender, requesting him to come at once to consult with me, and to bring with him the proceedings, which are in writing. He replied, *verbally*, that he would come in the afternoon. *He did not come*, and I extended at once a protest against the proceedings, alleging that I had not been heard, and that neither myself nor my legal advisers had been consulted for a proper defense. I sent this to the president of the military commission that night, who refused to receive it, saying, it could only be admitted by the Captain General.

"The American consul, Mr. Owen, as soon as informed of this, proceeded to the palace and protested against sentence being pronounced, as I had not been heard in defense. In the morning, my nominal defender came to my prison to inform me that he had been allowed by the court *only twenty-four hours to prepare my defense; that he had been occupied until that moment examining the proceedings, which are voluminous, and that within an hour he must return them to the fiscal.*

"On the 12th I was taken before a court-martial, composed of a brigadier general and six officers of the army. The testimony and proceedings were read before I was brought into court, which is contrary to law and to custom, and when brought in I was asked *what I had to say to the charges against me?* I replied, *I had not been furnished with a copy of the charges;* that I had been denied access to the proceedings and testimony; that my nominal defender had neither consulted with me nor with my counsel, and that I now asked that my protest and petition for stay of proceedings should be admitted. I was told by the president of the court, that it should be considered. I was then removed to my dungeon, and heard nothing more of the proceedings until to-day, when I have been formally notified that *I have been sentenced to eight years labor in chains at Ceuta, in Africa, with payment of costs.*"

Do you call such a proceeding a trial according to the usual course of proceedings? Do you call that complying with the provisions of the treaty? I can tell my friend from New York, that an argument of that sort will not prevail with any lawyer, because the treaty is positive that he shall have counsel, which was violated in this case. They would not let him select his counsel from Spanish subjects generally. They furnished him with a list of Spanish army officers from whom he was to select one. He selected, as he has said, at random, not knowing a thing about it. That Spanish officer, as a matter of course, instead of defending the accused, did everything in his power to convict him.

It is evident that the provisions of the treaty were denied him, not only as to counsel, but as to being present at the taking of the testimony, which was taken in writing out of court. He was not furnished with a copy of the charges which, together with the written testimony, was read over in court, and then the prisoner was brought in and asked what he had to say for himself. It is obvious that he was not allowed a defense but condemned unheard.

The excuse rendered by the Cuban authorities for not allowing Mr. Thrasher counsel was, that no counsel was permitted to appear in these cases before the military court, because it produced delay. It held back the victim from the "garote," and from chains, and the mines. Such an answer may content the present Administration; but it can hardly be a legal answer to a positive requirement in the treaty, that American citizens shall be allowed to employ *such advocates and solicitors* as they may *judge proper* in all their affairs, and in all their trials at law. Neither can it be a very satisfactory reply to an American, to assure him that all Spanish subjects are made victims of a similar barbarity.

It was not the usual course of proceeding, because no Spanish subject arrested as Mr. Thrasher was, could be tried before the council of war. The present laws of Spain, as stated in the work to which I have already alluded, declare:

"That conspirators being apprehended by the parties of troops, detailed for that purpose by the government, shall be judged by the ordinary council of war; but by the ordinary jurisdiction, if they were apprehended by the order of requisition, or in aid of the civil authority, except in case of resistance by the criminal to the troops. Then they shall likewise be judged militarily. In all other cases, according to article thirteen, the offenders who commit these crimes, shall be judged by the ordinary jurisdiction, even when the apprehension shall have been made by armed force, but with loss of special privilege. And in article fourteen, it is provided in the trials by this law, there shall not be any authority whatever, except such as shall be exercised by the ordinary and military jurisdictions, according to the limits which are here shown."

Mr. Thrasher's was not a military arrest. He was taken in the first instance to the office of police, and was in custody of the chief of police. His case was subsequently transferred to a military court. He was tried, therefore, in violation of the Spanish law, which gave jurisdiction of such a case only to the ordinary tribunals. The same remark is true of all those prisoners who came in and delivered themselves up under the proclamation of the Captain General, and of Breckinridge and Beach, of Kentucky, who were arrested at sea by a Spanish merchant ship, endeavoring to make their escape. Neither of them were military arrests, or made under such circumstances as gave the council of war jurisdiction of their cases.

The arrest of Breckinridge and Beach was a violation of the law of nations. Those gentlemen were in the Lopez expedition, but had made their escape in an open boat, and were a long distance from Cuba—outside of the league which limits the jurisdiction of any nation over the ocean—when they were captured by a Spanish schooner and brought into Havana. Concha, the Captain General, in reply to Commodore Parker, said that these men were pirates, and that he would try them as such. Now, the Spanish Government had no more right to seize those two men where they were captured, than it had to seize them in the streets of Washington city, unless the offense *was piracy.* They were, under these circumstances, brought into Havana and condemned by this military tribunal, which had no jurisdiction over them. I admit that, if they had returned voluntarily within the jurisdiction of the Island, they might have been tried by a competent court under the treaty. But having been arrested in violation of the law of nations, it was the duty of the Captain General to discharge them, and the duty of this Governmnt to demand their release.

The same was the case with the Contoy prisoners. They had only imagined a conspiracy, as we find in the old English books, that one used to be held guilty of treason who imagined the King's death. If anything criminal was fastened upon them, it seems that they only contemplated an expedition to Cuba. They were outside of the Spanish jurisdiction, anchored near an island in the sea, under the jurisdiction of Mexico. They were seized, and the Spanish authorities maintained that they had jurisdiction over them, because they were pirates. I believe that these prisoners were subsequently released, but that the vessels were not; and I understand from the hon-

expedite the letters of naturalization, by form of which they shall find the order in the royal exchequer ayuntamiento, and respective territorial jurisdictions, without costs or dues, as in the letters of domicile.

26th. The naturalized strangers shall enjoy all the rights and privileges of Spaniards, as likewise their sons and legitimate descendants, according to the 15th article of the preceding.

orable gentleman from Maine, [Mr. SMART,] that that subject remains now precisely where it was, and that the Government has taken no very efficient means to enforce satisfaction to the owners of those wrongfully-seized vessels. Let us make compensation, by an appropriation, to the Spanish Consul at New Orleans, whose property was destroyed by the mob. But let us also demand satisfaction for those violations of national law, and for the injuries which our own citizens have sustained in consequence of the violations of our treaty by the Spanish authorities.

A few observations in reply to the remarks of the gentleman from New York on the Crescent City affair. It seems to me to be undeniable, that it is not within the power of Spain to construe the treaty so as to break down the commercial intercourse between the two countries. Undoubtedly Spain might exclude a person from her shores dangerous to her safety. But the power must be exercised in reason, and not capriciously. They had the right to say that Mr. Smith should not land, but they had not the authority to say that the vessel should not come into port and discharge its cargo, and land its passengers and mails. It was not alleged that the ship, passengers, cargo, and mails were dangerous to Cuba, or even obnoxious to its authorities. They had no right to deny communication with the ship, unless its officers or crew had committed some offense against the revenue or other laws, and even then the remedy was by seizure and proceeding in admiralty. Mr. Smith exercised the right of every American citizen, guarantied by the Constitution, to publish his own opinions, if he exercised any right at all. He denies, however, having published anything. If he continued going there without landing, or violating their order not to land, from now to the day of judgment, and observed the institutions of Spain in Cuba, he might, when he returned home, have published his views, and Spain had no legal right to complain; it was no offense against her laws or jurisdiction. If she had a right to complain, she could only proceed through the judicial tribunals of this country; that might have been done in this country, as it was in England, in the case of Peltier, for a libel on Napoleon, and on the common-law principle of the greater the truth the greater the libel, there is no doubt Smith would have been severely punished. But to deny all commercial intercourse—to deny that the passengers should be landed, and the mails received, because "the individual, William Smith," published falsehoods in this country, relative to the Spanish authorities in Cuba, is too ridiculous an idea to be entertained by any man but a Spaniard.

I admit if the authorities of Cuba had addressed themselves to this Government in the first instance, through the Spanish Minister, and requested that that individual should not be permitted to go on a semi-official vessel, as a matter of courtesy, the request should have been complied with. But what right had the Spanish authorities in Cuba to take a matter for the diplomatic agents of the Governments into their own hands, and exclude a vessel from commerce on such frivolous pretense? Commercial treaties are worth nothing if our commercial marine can be dealt with in that manner with impunity.

Sir, I have made these observations, not because I entertain any sentiments of hostility to the present Administration, but because I wish to draw attention to the gross manner in which the rights of American citizens are trampled on by other Powers. Its frequency has erected itself into impunity. The time has arrived when the American, like Briton, should feel the protection of his country's flag in the remotest corner of the globe. That Government which does not protect its own citizens against foreign oppression, will soon sink beneath their contempt, and the scorn of the civilized world. The time has arrived when new life and energy should be infused into our foreign relations.

REPORT OF THE SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, *January* 15, 1853.

The Secretary of the Treasury reports:

RECEIPTS AND EXPENDITURES.

The receipts for the fiscal year ending June 30, 1852, were:

From customs		$47,339,326 62
From public lands		2,043,239 58
From miscellaneous sources		345,820 69
		49,728,386 89
Add balance in the Treasury July 1, 1851		10,911,645 68
		60,640,032 57
The expenditures for the same fiscal year were		46,007,896 20
Leaving a balance in the Treasury July 1, 1852		$14,632,136 37

(As appears in detail by accompanying statement A.)

ESTIMATES.

The estimated receipts and expenditures for the fiscal year ending June 30, 1853, are:

Receipts from customs, 1st quarter, by actual returns	$15,728,992 25	
Receipts from customs, 2d, 3d, and 4th quarters, as estimated	33,271,007 75	
		49,000,000 00
Receipts from public lands		2,000,000 00
Do. from miscellaneous sources,		300,000 00
Total receipts		51,300,000 00
Add balance in the Treasury July 1, 1852		14,632,136 37
Total means as estimated		$65,932,136 37

EXPENDITURES, VIZ:

The actual expenditures for the quarter ending September 30, 1852, were	$13,440,587 69
(As appears by accompanying statement B.)	
The estimated expenditures during the other three quarters, from October 1, 1852, to June 30, 1853, are:	
Civil list, foreign intercourse, and miscellaneous	13,214,330 17
Expenses of collecting the revenue from customs	1,575,000 00
Expenses of collecting the revenue from lands	192,646 28
Army proper, &c.	8,689,530 21
Fortifications, ordnance, arming militia, &c.	705,620 18
Internal improvements, &c.	1,318,963 77
Indian Department	1,973,313 50
Pensions	1,070,686 53
Naval establishment, including dry-docks and ocean steam-mail contracts	7,454,300 66
Interest on the public debt	3,725,600 10
Redemption of stock of the loan of 1843	5,922,931 35
Purchase of stock of the loan of 1847	1,276,546 42
	$60,560,056 86
Leaving an estimated unappropriated balance in the Treasury, July 1, 1853, of	$5,372,079 51

This balance, it will be observed, exists after the application of $7,199,477 77 to the redemption of the public debt.

The estimated receipts and expenditures for the fiscal year commencing July 1, 1853, and ending June 30, 1854, are:

Receipts from customs	$49,000,000 00
Receipts from public lands	2,000,000 00
Do. from miscellaneous sources,	200,000 00
Total estimated receipts	51,200,000 00
Add estimated balance in the Treasury July 1, 1853	5,372,079 51
Total means as estimated	$56,572,079 51

The expenditures for the same period, as estimated by the several Departments—of State, Treasury, Interior, War, and Navy, and Postmaster General, are:

Balances of former appropriations which will be required to be expended this year,	$6,879,883 28
Permanent and indefinite appropriations	9,172,889 68
Specific appropriations asked for this year	30,151,040 64
	$46,203,753 60

This sum is composed of the following particulars, viz:

Civil list, foreign intercourse, and miscellaneous	$11,213,430 74
Expenses of collecting revenue from customs	2,100,000 00
Expenses of collecting revenue from lands	204,520 00
Army proper, &c.	9,311,808 64
Fortifications, ordnance, arming militia, &c.	2,191,647 48
Internal improvements, &c.	895,205 70
Indian Department	1,612,137 45
Pensions	2,023,512 00
Naval establishment, including dry-docks and ocean steam-mail contracts	12,664,222 05
Interest on public debt	3,400,638 54
Purchase of stock of the loan of 1847	586,631 00
	$46,203,753 60

Leaving an estimated balance in the Treasury, July 1, 1854, of $10,368,325 91

It will be seen, by reference to the foregoing statement, that the total cash receipts and means in the Treasury for the year ending on the 20th June, 1852, were $60,640,032 57. Of which there were received from customs, $47,339,326 62; from lands and miscellaneous sources, $2,389,060 27; and a balance in the Treasury at the commencement of the year of $10,911,645 68.

The expenditures for the same period were $46,007,896 20, which includes the following payments on account of the public debt, viz:

For interest, including that on $5,000,000 of 5 per cent. stock issued to Texas	$4,000,297 80
For the redemption of the principal of various loans	1,986,160 66
Reimbursement of revolutionary debt	1,460 31
Reimbursement of outstanding Treasury notes	300 00
Reimbursement of stock for the fourth and fifth installments of the Mexican indemnity	287,596 76
Total	$6,275,815 53
Besides which there was paid the installment of the debt of the cities of the District	60,000 00
The last installment due to Mexico under the treaty of Guadalupe Hidalgo	3,180,000 00
Awards to American citizens under the same treaty	529,980 78
Making a total of	$10,045,796 31

included in the expenditures of the last fiscal year on account of the principal and interest of the funded and unfunded public debt, which, deducted from the above sum, reduces the expenditure to $35,962,099 89.

From this latter sum, however, may be still further deducted the following items, which form no portion of the regular expenses of the Government, viz:

Repayment to importers of the excess of deposits on unascertained duties	$846,918 86
Repayment of drawbacks, allowances for damages on imported merchandise, fishing bounties, &c.	544,452 38
Refunding duties under the act of 8th August, 1846	138,086 41
Refunding duties under the decisions of the Supreme Court, acquiesced in by the Department	221,985 87
Debentures, and other charges, re-	

funded under various acts of Congress	113,307 73
A still further reduction may be made for the ocean mail service, which more properly belongs to the Post Office Department, the revenue and expenditures of which are entirely distinct from the general expenses of the Government, and which Department collects all the revenue from this ocean mail service	865,555 55
The expenses attending the Seventh Census is an expenditure accruing only once every ten years, and the amount under this head, in the expenditures of the last year, is	547,385 02
Making together	$3,277,691 82
If to this is added the expenses of collecting the revenue from customs, and lands which previous to the year 1849 were deducted from the gross receipts, and the net revenue only paid into the Treasury, but which form items of expenditure during the last year to the extent of	2,249,715 38
Making altogether	$5,527,407 20

Which, deducted from the preceding sum of $35,962,099 89, would leave $30,434,692 69 as the regular and ordinary, including some considerable items of extraordinary expenditures of the Government for the last fiscal year.

It will be observed that the whole amount of the last installment to Mexico is included in the expenditure of the year; but the sum of $66,467 42 has since been refunded into the Treasury, and will appear in the miscellaneous receipts for the current fiscal year, being the profit accruing to the United States from gain in exchange in consequence of the said installment having been paid in the city of Mexico.

The balance remaining in the Treasury on the 1st July, 1852, it will be seen, was $14,632,136 37.

By the last annual report from this Department, the estimated total receipts and means from all sources for the year ending 30th June, 1852, were $62,411,645 68. The estimated total expenditures for the same period were $50,952,909 59; leaving an estimated unappropriated balance in the Treasury on the 1st of July last of $11,458,743 09.

The actual balance in the Treasury at that date was	$14,632,136 37
From which deduct the balance of appropriations already made for the same fiscal year, undrawn, but subject to draft, on the 1st July last, of	6,108,315 48
To the payment of which the actual balance in the Treasury on that date of $14,632,136 37 was liable, and the actual *unappropriated* balance in the Treasury on the 1st of July last was	$8,523,820 89

The estimated receipts for the current fiscal year, as submitted in December, 1851, were $51,800,000. The actual receipts so far as returns have been received for the five months ending the 30th November, being $22,220,299 20, indicate the then estimates of receipts to have been nearly correct.

The then estimated expenditures as submitted to Congress for the current fiscal year were $42,892,299 19, and the unappropriated balance in the Treasury on the 1st July, 1853, provided no additional appropriations beyond the estimates then submitted should be made by Congress, was estimated at $20,366,443. Congress, however, in its appropriations exceeded the estimates submitted by this Department (including provision for any deficiency in the income of the Post Office in consequence of the reduction in the rates of postage) about ten millions of dollars.

The actual expenditures for the current fiscal year, as appropriated and authorized by Congress, (exclusive of the sum to be applied to the redemption of the public debt,) therefore amount to $53,360,579 09, in place of $42,892,299 19, as estimated by the Department; and the balance in the Treasury at the end of the current fiscal year is estimated at $5,372,079 51, after allowing the sum of $7,199,479 77 as applicable to the redemption of the public debt.

This, however, it must be observed, is the *unappropriated* and not the actual balance which will be in the Treasury at the date specified. The actual balance undrawn at that date, provided Congress creates no unexpected demands upon the Treasury to be liquidated prior to July next, may be estimated at about $10,000,000, after having redeemed during the year more than $7,000,000 of the debt.

For the fiscal year ending on the 30th of June, 1854, the total receipts are estimated at $51,200,000, which, with the estimated balance in the Treasury on the 1st of July next, will give as the estimated total means for the year the sum of $56,572,079 51.

The estimated total expenditures for that period are $46,203,753 60, leaving an estimated unappropriated balance in the Treasury on the 1st of July, 1854, of $10,368,325 91, without other deduction from the available means of the year, towards the reduction of the public debt, except the sum of $586,631 for the purchase from the land fund of the loan of 1847.

PUBLIC DEBT.

The public debt on the 20th November, 1851, was $62,560,395 26, exclusive of the stock authorized to be delivered to Texas by act of Congress of 9th September, 1850, amounting to $10,000,000; of which $5,000,000 of certificates were ready and awaiting the demand of that State, at the date of my last annual report; that amount has since been delivered to the authorized agent of the State of Texas; thus increasing the aggregate registered debt to $67,560,395 26. The following reductions have been made since the last annual exhibit of the public debt, up to the 1st of January:

On account of the debt of the District cities	$60,000 00
On account of the old funded and unfunded debt	2,143 39
On account of the loan of 1843	1,711,400 00
On account of the loan of 1846	9 74
Do do .1847	650,100 00
Do do 1848	5,000 00
Treasury notes paid in specie or received as such	50 00
Making a total of	$2,428,703 13

The public debt on the 1st of January, 1853, was $65,131,692 13, (as per statement,) exclusive of the remaining $5,000,000 deliverable to Texas under the act of 9th September, 1850, when the provisions of that law are fully complied with.

Since the above date an additional amount of the public debt has been redeemed to the extent of about $250,000.

The Department possesses no authority to purchase at a rate above par value any portion of the six per cent. loan of 1847, and which is only redeemable in 1867, except to the extent of what balance may remain in the Treasury from the receipts from the sale of public lands, after the interest on that loan has first been paid from such receipts. As the amount of that stock forms so large a portion of the public debt, it would be desirable that Congress should remove that restriction, by authorizing its purchase at the current market value. By thus giving a more extended scope to the application of any surplus funds in the Treasury for the purchase of the public debt, it would probably enable the Department to procure it on more favorable terms.

Some doubts have existed as to the direct and positive authority of the Department to purchase some of the other stocks at rates above their par value; and in order to remove all uncertainty on the subject, I would recommend that express authority should be vested in the Department to purchase at its discretion, at the current market value, any portion of the existing public debt, to the extent of any surplus means on hand, provided the available balance in the Treasury should never be reduced below five millions of dollars.

WAYS AND MEANS.

The receipts from duties on foreign merchandise for the last fiscal year exhibit a decrease as compared with the preceding year of $1,678,241 30. This is deemed but a temporary decline of the receipts from that source, whilst it shows how unstable is the reliance placed upon the large amounts, which in times of high prosperity are expected from that branch of the revenue.

The slightest disturbing causes felt in the channels of trade at once unfavorably affect the Treasury; so any favorable impetus given to commerce from causes often accidental, tends for the time to a sudden expansion of its revenues. This is observable to some extent in the receipts from duties on foreign goods for the periods above mentioned. The acquisition of our new Territories on the Pacific, followed by the development of their immense mineral resources, gave a corresponding extended basis for commercial operations. The sudden drain of foreign merchandise from the Atlantic ports to the Pacific left a vacuum to be filled by fresh and larger importations of foreign dutiable goods, which of course was followed by a corresponding increase of receipts into the national Treasury.

The repeated and disastrous conflagrations at the principal port of the Pacific, destroying millions of property in foreign goods, tended to a still further increase of foreign importations. The channels of trade, however, having once more accommodated themselves to these new circumstances, we find a gradual diminution in the year of nearly $2,000,000. A new discovery of mineral wealth, though not within the boundaries of our own country, yet within the reach of its enterprise, is followed by increased buoyancy in trade, and a corresponding increase in the revenues arising from it. By referring to my former annual reports, the views of this Department may be found somewhat in detail of the results which, in my opinion, may be expected to flow sooner or later from a legislation which tends so injuriously to affect, if not to a great extent to destroy, some of the prominent manufacturing interests of the country, by giving to the foreign producer the control of the supplies of our home market. The iron interest was cited, to show the effect of permitting the surplus foreign productions in all their various stages of manufacture to be thrown upon our markets at almost nominal prices, and consequently upon the payment of comparatively nominal duties. Importations of bar, pig, and other iron for the year ending 30th June, 1845, were 102,723 tons, producing duties amounting to $1,794,784; and for the year ending 30th June, 1852, the imports were 435,149 tons, producing duties amounting to $3,272,812. Thus it is seen that while the quantity imported has increased about four and a quarter times over that of 1845, the aggregate duties received is less than double the amount received from that source in 1845, and that, too, under a heavier rate of duty at the latter period.

This enormous increase in the importations of iron, at prices so far below the fair or usual cost of production, both here and abroad, while it produced no corresponding benefit to the Treasury, destroyed in a good degree the competition of our own producer and manufacturer. The result then foretold is now partially realized. The foreign producer, by a reduction of prices on his part, and of duties on our part, having possessed himself of the control of our market, raises the prices of iron, it is believed, beyond the remunerating point, and certainly far beyond the rates ruling during the period of the late hopeless struggle of our own manufacturer to sustain himself.

The effects of this state of things are felt in the very large increase of duties consequent upon the suddenly-enhanced prices of iron, which must be paid by our consumers, and with the most unfavorable influences upon our numerous railroad enterprises now in progress, whilst it is attended with no corresponding benefit to those whose capital, embarked in this branch of manufacture, has been totally lost. On the other hand, by this rise in the prices of iron, it may be expected that a new stimulus will be given to that branch of American labor, which may again be met by similar consequences, when it shall have become a formidable competitor with the foreign producer, ending in a destructive reduction in price, and a redundant supply.

Whilst the foreign commerce of the country, and the foreign market for its productions are undoubtedly of great importance, yet they both probably receive an undue share of consideration,

for they respectively sink into relative insignificance when compared with our internal and coastwise commerce, and with the home market.

There are no records which will enable the Department to give the correct amount of our internal and coastwise trade; but some idea may be formed of its vast extent when it is recollected that the annual value of the agricultural, mineral, and manufacturing productions of the country is not less than three thousand millions of dollars, ($3,000,000,000,) as shown by the statistical returns of the late census; a large portion of which is transported by river, canal, or coasting vessels, or on railroads, and which in the course of trade changes hands several times before reaching the domestic consumer; making in the aggregate an amount of traffic counting by thousands of millions; whilst the whole amount shipped to foreign countries is but $150,000,000, being only *one twentieth* part of the entire production of the country, which thus finds an outlet in foreign markets.

The single article of coal annually transported coastwise, and in canal boats, or on railroads, is of sufficient bulk to furnish full cargoes for four times the quantity of all the American tonnage employed in foreign commerce, and probably affords the means of livelihood to a greater number of persons than the latter.

The coastwise trade to and from the American ports in the Gulf of Mexico is of itself probably nearly equal, in point of value, to the entire export of American productions to foreign nations.

A striking difference between the magnitude and importance of the home market and the foreign one, is to be found in the statistics of exports of what is familiarly called the famine year of 1847. There was some difficulty at that time in procuring sufficient shipping, including both American and foreign, to convey our breadstuffs to the famishing nations of Europe; and yet our entire exports during that year of the two principal articles of food—Indian corn (maize) and flour—were only about three per cent. of the former, and about ten per cent. of the latter, estimated on the whole crop produced in the United States; leaving ninety-seven per cent. of the Indian corn and ninety per cent. of the wheat crop for the supply of the home market, where it was actually consumed. Our exports of breadstuffs at present are only about one third of what they were during the above year of unusual demand; exhibiting in a still more striking contrast, the immense difference between the home and foreign markets in favor of the former.

The mere tolls collected by the canals and railroads on the transportation of merchandise for the internal trade of the country, exceeds in amount the total value of all the breadstuffs purchased from us by foreign nations.

The annual value of the crop of Indian corn, of wheat, and of hay, each respectively, is fully equal to the entire value of our productions exported to foreign countries. The annual amount of the manufactures in the States of New York or Pennsylvania, in either of those States, greatly exceeds the value of such exports; and even those of the comparatively small State of Massachusetts is fully equal to all the productions of the country consumed by foreign nations.

The latter State probably consumes breadstuffs that are produced in the middle and western States to a greater amount than is shipped to all Europe, with the great additional advantage of this being a regular and uniform demand, not depending on European crops or the caprices of foreign Governments in the regulation of their commerce and the assessment of arbitrary and ever-varying duties, according to their own actual wants and circumstances. Yet all these immense agricultural, mineral, and manufacturing interests, which are almost exclusively connected with the internal trade of the country and the home market, receive greatly less attention and consideration from the community than the comparatively small amount of our foreign commerce.

My views of the beneficial results which would follow a tariff with fixed and reliable, rather than with sliding, and consequently uncertain rates of duties, have undergone no change. I now recur to them as a duty imposed upon me by the acts establishing the Treasury Department.

The importations of foreign merchandise, (table —,) for the fiscal year ending 30th June last, amounted to.....$207,109,738

The exports for the same period were, of domestic merchandise.....$154,930,447

Foreign merchandise re-exported..... 12,037,043

Total exports.....$166,967,490

The imports of specie, during the same period, were..... $5,503,544

And the exports of the same..... 42,674,135

In tobacco, (table T,) the exports show an increase in quantity of 41,152 hogsheads, and of value of $812,032, having been in 1851, 95,945 hogsheads, valued at $9,219,51; 1852, 137,097 hogsheads, valued $10,031,283.

The exports of rice were 119,733 tierces, valued at $2,470,029—being an increase in quantity of 14,143 tierces, and of value, $299,102, as compared with the previous year.

The exports of breadstuffs and provisions amounted to $25,856,337; being an increase of $3,907,686.

The aggregate exports of domestic merchandise show a decrease, as compared with the previous year, of $24,349,585.

The exports of specie show an increase of $13,201,383, and an excess of exportation over importation of $37,170,591. (See table.)

MINT.

The operations of the Mint, particularly at Philadelphia, at which point the greater portion of all gold dust and bullion concentrates for assay and coinage, have been conducted with a remarkable degreee of promptness and dispatch, such as to remove all cause of complaint on the part of depositors, notwithstanding the enormous amounts of gold dust which have been and still continue to be received at that institution.

The coinage at the Mint for the year ending 31st December, 1852, was as follows:

Gold—6,094,765 pieces, of the value of.....	$51,505,638 50
Silver—27,549,505 pieces.....	847,310 00
Copper—5,162,094 pieces.....	51,620 94
Total.....	$52,404,569 44

The full returns for the last quarter of the year have not been received from the branch Mints, but the probable amount of their coinage will be about $4,700,000, of which the proportion at the branch Mint at New Orleans will be $3,800,000, and the remainder about equally divided between the branch at Charlotte, North Carolina, and Dahlonega, Georgia.

In accordance with the act of last session, proposals have been invited by public advertisement, both here and in California, for the erection of a Mint at San Francisco, in accordance with plans prepared with great care under the direction of this Department. I, however, have great doubts whether any proposals will or can be made for the erection of a suitable building, and the supply of the needful machinery, for the sum of $300,000, to which amount Congress has restricted the expenditure, including both of these objects.

Even, however, should proposals be made which would be satisfactory, and could be accepted by the Department, no progress could be made with the work until Congress authorizes the purchase of a site, and makes the needful appropriation therefor, as, from the best information now in possession of the Departmeut, none of the public reserves in that city afford proper and eligible locations for this building.

By the act of the 30th September, 1850, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1851, Congress authorized the appointment of an United States assayer for California, and directed a contract to be made by this Department with the proprietors of some well-established assaying works, for assaying gold and forming it into bars and ingots, under the supervision of the assayer. A contract was concluded, and ample security required for its faithful performance, and the contractors were limited in their charges for the services rendered by them, to the rate fixed by the Legislature of California in establishing a State assay office.

The Department was induced, with a view to furnish, so far as it had the power, a safe and convenient currency to the people of California, to authorize the receipt of the issues of the assay office thus established, for public dues, especially as they have all the essential requisites of coin, and as this was believed to be the object of Congress.

The general appropriation act of the last session contained a provision, by which the further receipt of these issues was prohibited; and in obedience thereto, the instructions under which they had been received were revoked.

The Department has reason to believe, from petitions addressed to it by a public meeting of the merchants of San Francisco, and from information received through other reliable sources, that much inconvenience and embarrassment has resulted from this legislation. It remains with Congress, however, to say what relief shall be extended, and the subject is submitted to their consideration.

The inconvenience arising from the scarcity of silver coinage still continues, and to such an extent as calls loudly for some legislative action to remedy the evil. Whether the present premium which silver bears, in comparison with gold, arises from the continued heavy influx of the latter and its consequent depreciated value, or from a special and unusual demand in Europe for silver, or from both causes combined, is not very material to discuss at present; for if it arises from either or both of these causes, there is no reason for believing that there is any present prospect of either being removed so as to create any reduction in the value of silver.

If, as I believe is the fact, this difference in the relative value of the two metals arises from the immense and increased supply of gold which has been furnished from California and Australia, there can be but little doubt such difference will continue to increase, as there is no present indication that there will be a reduced supply from those sources, but, on the contrary, every prospect of a still further increase.

This state of things has banished almost entirely from circulation all silver coin of full weight, and what little remains in the hands of the community consists principally of the worn pieces of Spanish coinage of the fractional parts of a dollar, all of which are of light weight, and many of them ten to twenty per cent. below their nominal value.

I see no remedy for this great existing evil but the adoption of the principle embraced in the bill which passed the Senate during the last session, making a new issue of silver coinage, of such reduced weight as will allow it to circulate with the gold coinage of established weight and fineness.

The principal objection which has been urged against the proposed new silver coinage is, that it could not, without a violation of contracts, be made a legal tender for the payment of debts, and that gold would therefore hereafter be the only legal tender. It is true that heretofore the laws of the United States have recognized the coin of either metal as a legal tender; and if it was at the option of the creditor to select which he would receive, there would be a very serious objection to changing either the weight or standard fineness of any portion of the coin. But this is not the fact, as it rests with the debtor to say with which description of coin he will pay his debts; and the natural and inevitable consequences of the premium which silver now bears have been to establish, practically, gold as the only legal tender. Nor can any legal or equitable objection be advanced to continue gold as a legal tender, as it is not proposed to reduce either the weight or the fineness of that description of coin; so that every creditor will continue to receive precisely the same quantity of gold for any given sum as at the time he may have made his contract. Nor does the present, or any future increased depreciation in the value of gold form any just reason against its being continued as a legal tender, at its present weight and fineness; for such depreciation in its *actual* value, if not in its relative one as regards silver, has been progressing gradually for some centuries, and all that can be said is, that the depreciation is more rapid at this time than formerly,

and it is but a natural result of the uncertainty and want of stability in human affairs.

In the present state of things, as connected with this subject, not only the public service, but also the wants and convenience of the entire community, require that some measure should be adopted to furnish a silver currency; and the subject is, therefore, respectfully but earnestly recommended to the prompt attention of Congress.

I would again call the attention of Congress to the subject of making Mint certificates receivable in all dues to the Government, and dispensing with the present bullion fund, which is maintained at an annual expense of from $350,000 to $400,000, which might be saved in interest by the application of that fund to the redemption of the public debt, besides the great advantages to the business community and the general trade of the country, by throwing the amount of that fund into circulation, instead of keeping it constantly as dead capital in the vaults of the Mint.

The amount of the bullion fund during the last year has been nearly $7,000,000, and it has been applied to the immediate redemption of Mint certificates, so soon as the deposits of gold dust were assayed and their value ascertained, which has generally been in from twenty-four to forty-eight hours after such deposits were made; and the bullion fund was then made good so soon as such assayed gold could be worked into coin, to be again employed in the redemption of other certificates.

The plan which the Department would recommend would be, to issue certificates under the authority of Congress, to be duly registered and signed at the Treasury, to the needful amount, say six or seven millions of dollars, in sums of $100, $500, $1,000, $5,000, and $10,000 each, payable to the order of the Treasurer of the Mint, to be distributed in due proportions to the Mint and its respective branches; and so soon as any deposit of gold bullion was assayed and its value ascertained, to pay the amount to the depositor in the above certificates, except the fractional part of one hundred dollars, which would always be paid in coin. These certificates being receivable in payment of dues to the United States would at all times command their full par value, and would promptly and cheerfully be received on deposit as cash by the banks and held by them as specie capital, until their customers required them for the payment of duties or lands. They would accumulate principally at the great marts of commerce in the Union, and could be transmitted by mail by the different receiving officers to such points as the Treasury might direct, avoiding all the risk and expense which now attends the transfer of public funds in specie from points where it is collected and not required for public expenditures.

As these certificates were paid in at the large commercial seaports, the gold, so soon as coined, could be sent to such points from the Mint or the branch which may have issued the certificates, and the latter would then be returned to the Mint or its branch for the purpose of being again issued to new depositors. The expense of transmitting gold coin to the points where it might be required in order to redeem the certificates which had been received by the public officers, would of course be paid by the United States, and would require but a small sum, probably not the twentieth part of the amount which would be annually saved in interest by applying the present bullion fund to the redemption of the public debt.

No objection could be urged to this plan on the ground that it would be a paper currency, for it is merely a certificate for an amount of gold already actually in possession of the Government. These certificates would not be intended for circulation, nor would they circulate from hand to hand, but would remain with banks, bankers, or individuals until required for a payment to the Government; and the receiving officer should not be permitted to reissue, but only to hold them until they are replaced with the gold in legal coin from the bullion for which they were originally issued.

These certificates should likewise always be redeemable at the Mint after a reasonable time being allowed for the coinage of the gold bullion, which might be fixed at not exceeding twenty days after the bullion had been assayed.

It is not proposed that the certificates thus issued by the Mint and its different branches should be indiscriminately and generally received at all points of the Union, as in such case the fluctuations and the great difference in the rates of exchange between different places would cause them to be used as remittances, and throw a heavy expense upon the Treasury for the transportation between distant points of large amounts in specie, sufficient to equalize exchanges, at least to the extent of the issue of such certificates. In California, for instance, the exchange on the Atlantic States is usually at about four per cent. premium; and, consequently, all the issue of Mint certificates there would be immediately forwarded to New York, to be used at this latter point in payment of duties; and the United States would be obliged to transfer at a heavy expense all the coinage of the branch Mint at San Francisco, in order to redeem its certificates in New York.

The remedy for this would be, to make the issues of the Mint, and its existing, or any new branches in the Atlantic States, to be receivable only at the Atlantic sea-ports; those issued by the branch Mint at New Orleans to be receivable only at the ports on the Gulf of Mexico; and all the above at any of the land offices in the Atlantic and western States; whilst the issues of the branch Mint at San Francisco, so soon as it is put into operation, shall be receivable at all the custom-houses and land offices on the Pacific.

If the present system is to be continued, and a bullion fund of seven millions is to be maintained, the balance in the Treasury cannot conveniently be reduced below twelve millions of dollars, as the system of an Independent Treasury cannot be conducted with a less available balance than five millions, so as to have the needful amount at all times at the numerous points where the public expenditure is made.

SURVEY OF THE COAST.

It gives me great pleasure to refer to the progress of this important work during the last four years. The whole coast is divided into eleven sections, and in ten active operations have been carried on during this whole period. With only one link of twenty-six miles south of the Chesapeake to be filled up, an unbroken triangulation now extends from the mouth of the Kennebec river, in Maine, to the harbor of Beaufort, in North Carolina. The topography and hydrography have made corresponding progress. The harbors of Portsmouth, New Hampshire; Newburyport, Ipswich, Gloucester, Salem, Wellfleet, Massachusetts, and others, have been surveyed. New shoals have been discovered and sounded out in the vicinity of Nantucket. The dangerous shoals along the sea-coast of Delaware, Maryland, and Virginia, Hatteras shoals and Frying-Pan shoals, have been made known to the navigator in excellent preliminary charts. The survey of the Chesapeake bay is now nearly completed, and that of the rivers flowing into it has been commenced. Some of the most important harbors on the southern coast, as Hatteras inlet, Ocracoke inlet, Beaufort harbor, Cape Fear entrance, Roman Shoals, Charleston harbor, North Edisto river, Tybee entrance, and the Savannah river, have been surveyed, and the charts are, or soon will be, published. The survey of Georgetown harbor, in South Carolina, and of the entrance of St. John river, Florida, have been commenced. The triangulation and reconnoissance of the vicinities of Cape Fear entrance, Georgetown harbor, Cape Roman, Charleston, North Edisto, Savannah, and entrance to the St. John's, are gradually and steadily advancing. In a few years an unbroken series, with points well-determined by astronomical and other observations, will cover the coast from the Penobscot river in Maine, to the St. Mary's in Florida. The progress of the survey on the Florida reef and the shores of the peninsula is entirely satisfactory, in view of the limited appropriations, compared with the vast extent and variety of the whole work. The entire reef and western shore has been examined in a preliminary way, and nearly one half of the survey of the reef has been made. The important harbor of Cedar Keys, on the western shore, has been examined. A reconnoissance has been made of about one half of the distance between St. Mark's and Mobile bay, and an examination of St. Mark's river. The triangulation and topography now extend from Mobile bay to Lake Ponchartrain, and nearly all the hydrography has been completed, and an examination made of the delta of the Mississippi. Galveston bay has been surveyed, excepting a small portion of the hydrography, and the triangulation now extends to the vicinity of Matagorda bay. Preliminary charts have been published of Galveston and Mobile bays, of the Mississippi delta, St. Mark's, Cedar Keys, Key West, Cape Canaveral, Mosquito inlet, and St. Andrew's shoals, and these will soon be followed by others. On the western coast, in consequence of the extraordinary difficulties in securing hands and means, owing to the discoveries of gold, the survey did not fairly get under way till about three years since. A very good preliminary reconnoissance has been made of the whole coast from San Diego to the Straits of San Juan de Fuca, and of nearly every important harbor, embracing San Diego, San Simeon, Santa Barbara, San Pedro, Point Conception, the harbor of Coxo, San Luis Obispo, Point Pinos, and the harbor of Monterey, Santa Cruz, Catalina Island, including both anchorages, Cuyler's harbor, Prisoner's harbor, San Clemente, Mare Island straits, Trinidad and Humboldt bays, and entrance of the Columbia river. Charts of all these harbors have been furnished and distributed, excepting the harbor of Santa Barbara, which is now in the hands of the engraver. Charts of the coast from Monterey to the mouth of the Columbia river, published two years since, and that from San Diego to San Francisco, are now undergoing the last revision. The charts of the surveys north of the mouth of the Columbia river are daily expected, and will be published as early as practicable. Besides the coast, several of the harbors have been carefully examined. In addition to this, good progress has been made in the survey of the waters of San Francisco bay. A plan of the city has been published, to which will soon be added the adjacent topography. The triangulation embraces the waters of San Francisco and Suisun bays, extending from Mare Island straits to the entrance, and for several miles up and down the coast. The topography has been completed for a chart of San Francisco bay, and the hydrography will be executed the coming winter. The triangulation of the Columbia river has been extended thirty-three miles from its mouth.

A commencement has also been made in the survey of the Santa Barbara Islands, including the land surveys, by the geodetic method. In connection with this rapid progress of the survey on this coast, observations have been made for latitude and longitude, and the magnetic variation. The geographical position of the coast, from the Straits of San Juan de Fuca to San Diego has been established; the latitude and longitude of the most important headlands having been determined by sufficiently numerous and reliable preliminary observations. The latitude of seventeen stations, and the longitude of nineteen stations, and the magnetic variations of seven stations, have been thus determined. On the Atlantic and Gulf coast the usual attention has been given to the same subject. Magnetic observations have been made at thirty-three stations. Sixteen longitude and seventeen latitude stations have been occupied, and ten base lines measured. A great extension has been given to the method of determining the longitudes of cardinal points by using the electric magnetic telegraph—a method admitting of a degree of precision not hitherto attainable by other means. The exploration of the Gulf stream has been continued. Great progress has been made in publishing the results of the survey. Forty-two charts, elaborate and highly finished, and forty-two preliminary charts have already been published, and twenty-seven sheets are in various stages of engraving. The geographical positions determined by the survey from its commencement to July, 1851, have been published. The latitude and longitude of over three thousand two hundred points have thus been given to the public, and furnishing information of great value for general and local purposes. Many special examinations have been made to determine the proper sites for lights, light-boats, beacons and buoys, along the whole coast from Maine to Texas; and, as regards the western coast, the entire duty of selecting sites has devolved upon and been performed by the Coast Survey. It gives me great pleasure to acknowledge the promptitude

with which this duty has been performed, and my confidence in the results thus reached.

It has been an arduous and responsible duty, requiring in each case a personal examination, and in many cases accurate surveys of the localities. Much valuable information has also been furnished in connection with the river and harbor improvements, greatly expediting the plans for prosecuting these works, and making available the results of the surveys and the personal examination of the superintendents to this branch of the public service.

In view of the very extensive correspondence which necessarily appertains to such extended and varied operations, it is respectfully recommended that the same authority as to receiving or sending official communications connected with the survey, now exercised by the several bureaus of this Department, may be extended to the Superintendent of the Coast Survey, and to the assistant in charge of the Survey Office, the Superintendent being necessarily absent in the field much of his time. The duties of franking now thrown upon this Department are extremely onerous, while it produces delay incompatible with that prompt dispatch of the business of the Survey always to be desired.

MISCELLANEOUS.

In pursuance of the act of 31st August last, authorizing the formation of a Light-house Board, one officer of engineers of the Army, and one of the Topographical Engineers, two naval officers of high rank, and two civilians of distinguished scientific acquirements, have been designated by the President to form this Board, and one officer of the Navy and one of the Engineers as secretaries. The Board so constituted immediately organized, and entered upon the duties assigned them by law. The clerks employed upon the light-house business being one temporary clerk from the office of the Secretary of the Treasury, and four from the Fifth Auditor's bureau, were, as required by law, transferred to the office of the Light-house Board.

The Board has been assiduously engaged in the proper duties assigned it. From the practical knowledge and high professional and scientific attainments combined in the eminent gentlemen comprising it, there is no reason to doubt that all the benefits contemplated by this new organization of that branch of the public service will be fully realized.

A detailed report of the operations of the Board, comprising such changes and improvements in the present system as in its judgment have become necessary, is submitted with the present report.

Under the act of the 31st August last, providing for the construction of not less than six revenue cutters, the Department advertised for proposals for the building of six vessels of designated size and finish. Proposals have accordingly been received, and the contract for the whole number has been awarded to the lowest bidder, under ample security for its faithful execution. The appropriation made will be sufficient for the construction of said vessels, and their perfect equipment for service.

Of the several custom-houses authorized, or in course of construction, that at New Orleans has progressed as fast as circumstances would permit; that at Savannah has been completed and occupied; at Charleston the foundation is progressing with all possible dispatch. Sites have been purchased, and proposals publicly invited for the erection of custom-house buildings at Mobile, Norfolk, Bangor, Louisville, St. Louis, and Cincinnati. Sites have been selected at Bath and Waldoboro', Maine, and Wilmington, in Delaware; and their purchase will be completed when the cession of jurisdiction shall have been obtained from the States in which they are respectively situated, in accordance with the requirements of the joint resolution of September, 1841. A site has been selected for the building authorized at Richmond, Virginia. So much of the appropriation, however, will be absorbed by its purchase that it has been deemed advisable to delay for the present any steps towards the erection of the building, with the view of requesting from Congress an additional appropriation and the removal of the existing restriction as to the amount of expenditure. Contracts have been made for the erection of the custom-house buildings at San Francisco, in California, and Pittsburg, in Pennsylvania; and the buildings will be prosecuted to completion with the utmost possible dispatch. The restrictions imposed upon the Department by limited appropriations in the various acts authorizing the erection of custom-houses and post offices, forbid in many the erection of fire-proof buildings, or the adoption of plans embracing a style or material comparable with many of the local public or private buildings in the same places.

Within these limited appropriations in many cases accommodations must be provided for the custom-house, post office, United States courts, offices for United States marshal, and clerks of the United States courts. The great value of the papers which must necessarily collect within the buildings embracing the above-mentioned offices, demand that every precaution should be taken on the part of the Government to prevent their destruction by fire. Some of the appropriations at the control of the Department have been reduced by the purchase of the necessary site, or were originally so limited as to render it doubtful if the contemplated buildings, with proper accommodations, can be erected without additional appropriations being made. Special communications in relation to some of these will be made to Congress as soon as specific information can be obtained.

The contract for the extension and reorganization of the Baltimore custom-house building has been concluded, in conformity with the act of the last session.

The great distance and consequent difficulty and delay in communicating with Oregon has prevented any definite progress being made in the erection of the proposed building at Astoria.

The operations of the Department arising out of the provisions made for sick and disabled seamen, are becoming daily more onerous and extended.

In consequence of the rapid expansion of our commerce, both foreign and domestic, the funds arising from the monthly contributions of twenty cents from the parties for whose benefit this truly beneficent system has been established, are insufficient for their relief, without the addition of direct appropriations by Congress.

The previous appropriations from the Treasury for the relief of sick seamen have amounted to $969,069 34, besides $928,319 20 for the purchase of sites, the erection of hospital buildings, furniture, repairs, &c.

The Department recommends a continuance of the appropriations for the relief of sick seamen and boatmen, to the needful extent for supplying the deficiency in the amount received from the hospital fund; but it is not at present prepared to advise the erection of more marine hospitals. The experience of the Department induces me to believe that it is in every way preferable to make an arrangement for the care of sick seamen with local hospitals of high standing, which are under the immediate and vigilant supervision of citizens of the highest respectability, at the respective places. Such arrangements exist at New York, Philadelphia, Cincinnati, and at some other points, at a fixed weekly rate for each seaman, the cost of which is greatly less than it would be in a public hospital, and where the care and attention which the patients receive are fully equal to what they could possibly obtain in a Government institution, and their medical treatment is also under the direction of the most eminent professional talents and experience. In all places where a similar arrangement can be made, I am of opinion it should be preferred, rather than erect other marine hospitals in addition to those already authorized, as I believe both the comfort of the sick, and economy of expenditure, would be promoted by the adoption of the former plan.

Under the system which has been so long and so steadily pursued by the Government as regards this useful, but generally improvident class of men, there is probably no instance where so much relief is granted, and so generally distributed, and with so much advantage to the parties interested, as that by the marine hospital fund under its present regulations.

While the benefit of this fund is extended to almost all the collection districts of the United States, hospitals are completed and in full operation at Chelsea, near Boston, Massachusetts; Norfolk, Virginia; Ocracoke, North Carolina; Cleveland, Ohio; Chicago, Illinois; Pittsburg, Pennsylvania; Louisville and Paducah, Kentucky; Natchez, Mississippi; New Orleans, Louisiana; Mobile, Alabama; and Key West, Florida. Appropriations have been made, and buildings authorized to be erected at Napoleon, Arkansas; St. Louis, Missouri; San Francisco, California; Evansville, Indiana; Portland, Maine, and Vicksburg, Mississippi.

Estimates of appropriations for the completion of the buildings at St. Louis, and for the fencing and heating of buildings, and work necessary for their protection at Chicago, in Illinois; Cleveland, in Ohio; Pittsburg, in Pennsylvania; Louisville, in Kentucky; Paducah, Napoleon, and Natchez, have been submitted.

These estimates are based upon a careful calculation of the amount and quantity of work to be done, and are deemed indispensably necessary for the buildings and grounds referred to.

A contract has been made for the buildings at San Francisco, and those at Napoleon and St. Louis are nearly completed; that at St. Louis has been delayed, awaiting a further appropriation.

A site has been purchased at Evansville, but the balance of the appropriation is not sufficient to erect a suitable building, and an additional appropriation of $20,000 is respectfully submitted.

A site has been selected for an hospital at Portland, Maine, but the Department has not yet taken final action on the report of the commissioners appointed to select it.

The following statements connected with the subject accompany the present report, viz:

Statement T exhibits the whole amount received from the monthly contributions of seamen under the act of 16th July, 1798, up to 1st July, 1852.

Statement U, exhibiting the amount appropriated by Congress for the purchase of sites, erection of marine hospitals, furniture, &c., designating the respective points and the amount of appropriations for each place.

Statement V, exhibiting the present state of the hospital fund arising from the monthly contributions of the seamen, and the appropriations by Congress for their relief.

The Supreme Court, in the case of Lawrence *vs.* Caswells, decided that no return of duties could be claimed by parties who had not at the time of making the entry entered a written protest declaring specially the grounds on which they objected to pay the duties; and the Department has felt itself bound by that decision, and has since declined to refund any duties alleged to be illegally assessed, except in cases where such written protest was made at the time, or where it evidently arose from a clerical error. This course involves great hardship in many cases where even the same parties, having in certain entries made a regular protest, have received back the duties erroneously assessed, agreeably to legal decisions; whilst in other cases, precisely similar in every respect, but where the formality of a protest was not observed, no return can be made under the above decision of the Supreme Court. I would recommend these cases to the favorable action of Congress, by investing in the Treasury Department the power to return duties in all cases which may be similar to those on which the Supreme Court may have made decisions in favor of the claimants, even if no protest has been made at the time by the parties.

The attention of Congress was called at the last session to the necessity of a law—and one was framed for the purpose but not acted on—to check the multiplicity of suits against the collectors of the customs for duties alleged to be improperly collected, by obliging the same parties to consolidate all their suits of a similar kind in one action; and also where one party had already entered a suit that no others involving the same principle should be instituted, on the Treasury Department agreeing, upon notice from other claimants, that the decision of the suit which may have been already entered, should govern in the settlement of the others. As it now is, the same parties, vexatiously and with the view to increase their costs, will enter separate and numerous suits, all precisely similar in the facts and circumstances.

It is also essential that in all suits against collectors there should be the right of appeal to the

Supreme Court without regard to the amount, as there are numerous decisions made in the lower courts, involving important principles, which would probably be reversed, were an appeal granted, but which the amount involved does not admit of an appeal under existing laws.

Congress at its last session having appropriated the sum of $10,000 for locating surf-boats on the coast of the United States, the Department called upon the Superintendent of the Coast Survey for a report showing the points where they could be most advantageously employed for the purpose of saving life and property from shipwreck. This report has lately been received, giving twelve points on the coast of Maine and Massachusetts as suitable locations; and orders will immediately issue for the supplying the same with the requisite boats and their appurtenances; and as soon as other suitable locations along the coast are furnished this Department from the Office of the Coast Survey, measures will be immediately taken for furnishing them likewise. Numerous reports have been made to the Department of the great saving of life and property on our coast by means of these boats; and I would respectfully suggest that a further appropriation of $10,000 be made for this laudable object, and that power be granted this Department to expend, from time to time, such portions of it as may be required to keep the boats and fixtures in repairs for immediate use, and compensate persons for taking care of them.

The subject of the fisheries being one of high importance, and having recently attracted great and general attention, I transmit herewith a highly-interesting and valuable report prepared for this Department by Lorenzo Sabine, Esq., embracing:

1. A report on the fisheries of France, Spain, and Portugal, in the American seas.

2. A report on the fisheries of Newfoundland, Nova Scotia, Cape Breton, Prince Edward's Island, Magdalen Islands, Bay of Chaleurs, Labrador, and New Brunswick.

3. Report on the fisheries of the United States.

4. Review of the controversy between the United States and Great Britain as to the intent and meaning of the first article of the Convention of 1818.

The following statements accompany the present report, viz:

A. Statement of duties, revenues, and public expenditures, during the fiscal year ending June 30, 1852, agreeably to warrants issued, exclusive of trust funds and Treasury notes funded.

B. Statement of duties, revenues, and public expenditures, for the first quarter of the fiscal year, from July 1 to September 30, 1852, agreeably to warrants issued, exclusive of trust funds and Treasury notes funded.

C. Statement of advances from the Treasury on account of the expenses of each custom-house in the United States during the year ending on the 30th June, 1852.

D. Statement of the number of persons employed in each district of the United States, for the collection of customs, during the fiscal year ending June 30, 1852, with their occupation and compensation, per act 3d March, 1849.

E. Statement of the public debt on the 1st January, 1853.

F. Statement of the redemption of Treasury notes during the fiscal year ending 30th June, 1852.

G. Statement exhibiting the total value of imports, and the imports consumed in the United States, exclusive of specie, during each fiscal year from 1821 to 1852; showing, also, the value of the domestic and foreign exports, exclusive of specie, and the tonnage employed during the same periods.

H. Statement exhibiting the value of imports annually, from 1821 to 1852, designating separately the amount of specie, free and dutiable goods, respectively.

I. Statement exhibiting the value of certain articles imported during the years ending on the 30th of June, 1844, 1845, 1846, 1848, 1849, 1850, 1851, and 1852, (after deducting the reëxportations,) and the amount of duty which accrued on each during the same periods, respectively.

K. Statement exhibiting the amount of coin and bullion imported and exported annually, from 1821 to 1852, inclusive, and also the amount of importation over exportation, and of exportation over importation during the same years.

L. Statement exhibiting the quantity and value of wines, spirits, &c., imported annually, from 1843 to 1852, inclusive; and also showing the foreign cost per gallon under specific and *ad valorem* duties.

M. Statement showing the value of goods remaining in warehouses at the close of each quarter, from the 30th of September, 1847, to the 30th of June, 1852, as exhibited by the quarterly returns of the collectors of the customs, under the provisions of the act of the 6th of August, 1846; and also the amount of duties payable thereon.

N. Statement exhibiting the value of dutiable merchandise reëxported annually, from 1821 to 1852, inclusive; and showing also the value re-exported from warehouses under the act of August 6, 1846.

O. Statement exhibiting the value of foreign merchandise imported, reëxported, and consumed, annually, from 1821 to 1852, inclusive, and also the estimated population and rate of consumption, *per capita*, during the same periods.

P. Statement exhibiting the value of merchandise and domestic produce, &c., exported annually from 1821 to 1852.

Q. Statement exhibiting the quantity and value of cotton exported annually, from 1821 to 1852, inclusive, and the average price per pound.

R. Statement exhibiting the aggregate value of breadstuffs and provisions exported annually, from 1821 to 1852.

S. Statement exhibiting the quantity and value of tobacco and rice exported annually, from 1821 to 1852, inclusive.

All of which is respectfully submitted,

THO. CORWIN,
Secretary of the Treasury.

Hon. LINN BOYD,
Speaker of the House of Representatives.

COLONIZATION IN NORTH AMERICA.

DEBATE IN THE SENATE,

TUESDAY, *January* 15, 1853,

On the Resolutions of Mr. CASS, relative to colonization in North America.

The Senate proceeded, as in Committee of the Whole, to consider the joint resolution declaratory of the views of the United States respecting colonization on the North American continent by European Powers, and respecting the Island of Cuba; which is as follows:

"*Be it resolved, &c.*, That the United States do hereby declare that 'the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.' And while 'existing rights should be respected,' and will be by the United States, they owe it to their own 'safety and interests' 'to announce, as they now do, that no future European colony or dominion shall, with their consent, be planted or established on any part of the North American continent.' And should the attempt be made, they thus deliberately declare that it will be viewed as an act originating in motives regardless of their 'interests and their safety,' and which will leave them free to adopt such measures as an independent nation may justly adopt in defense of its rights and its honor.

"*And be it further resolved*, That while the United States disclaim any designs upon the Island of Cuba inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject, to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that island, which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power."

The question pending was on the following amendment offered by Mr. HALE:

"*And be it further resolved*, That while the United States, in like manner, disclaim any designs upon Canada inconsistent with the laws of nations, and with their duties to Great Britain, they consider it due to the vast importance of the subject to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, either peaceably or forcibly, of that Province, (which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their northern boundary, and to the lakes,) as unfriendly acts directed against them, to be resisted by all the means in their power."

Mr. CASS. Mr. President, the question of the recolonization of any part of this hemisphere by the European Powers has occupied the attention of the American people for many years, with more or less interest, as passing events seemed to render the effort more or less probable. The general subject, as well as the principles involved in it, has been so often discussed that I do not propose to enter into a very full examination of our rights and condition connected with this important topic, but rather to present the general considerations belonging to it.

Two Presidents of the United States have, by solemn public acts, in their messages to Congress, declared and maintained the principles respecting American exemption from European dominion, which are laid down in the first of the resolutions before us, and have distinctly and satisfactorily established not only our right but our duty to do so, as one of the great elements of our national safety and prosperity. Mr. Monroe, in 1823, said:

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments which have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

Mr. Polk, in the same spirit, in 1845, said:

"The people of the United States cannot, therefore, view with indifference attempts of European Powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the 'balance of power.' It cannot be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent State, propose to unite themselves with our Confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European Powers shall interfere to prevent such a union because it might disturb the 'balance of power' which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that 'The American continent, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European Power.' This principle will apply with greatly increased force, should any European Power attempt to establish any new colony in North America."

In some remarks upon this subject in the Senate a few days since, I alluded to, rather than considered, the general grounds upon which this claim of independent action for the nations of the American continent rested for its assertion. I shall not repeat those views, contenting myself with saying that this right of exclusion results from the condition of this continent, and from those general principles of the public law of the world, by which it protects the interests and safety of nations in the varying circumstances in which they may be placed. The history of that code shows that it has a power of adaptation to the advancing conditions of nations, and that rigid inflexibility is not one of its attributes. The changes introduced into it by the discovery of America in the establishment of the principles of occupation and settlement, are familiar to all, and furnish an illustration of this progressive improvement. The right of recolonization would necessarily lead to the renewal, indeed, to the perpetual domination of European Powers, and their colonies, wherever planted, would become parties with the mother countries in all their wars, though far beyond the true sphere of their causes and objects.

We should thus find ourselves in juxtaposition, it might be, and at any rate within the reach of the action of communities, rendered enemies by the disputes, too often frivolous, and almost always indifferent, of nations on the other side of the Atlantic. Such a state of things, bringing wars to our coast, to our inland boundaries even, and interrupting the peaceful and profitable avocations of a whole continent, to gratify the pride or jealousy, or some other equally unworthy passion of ministers or mistresses, where these are the deposita-

ries of power, would be "dangerous to our peace and safety."

But I do not know that the general principle of this claim of exemption is contested. Certainly it cannot be upon any just grounds. Our Executive Government has assumed it upon full consideration, and the history of our negotiations with England, to be found in the interesting account given by Mr. Rush, our able and faithful representative, of his mission to that country, proves beyond doubt, that although the British Ministry were opposed to our anti-colonization doctrine, lest it might interfere with ulterior objects of aggrandizement on their part, yet, they entirely concurred in the application of the principle to the recently-emancipated Spanish Colonies, which in fact, conceded the right of the United States to extend the same policy to any portion of the continent not then actually possessed by a European Power. And Mr. Monroe distinctly announced this fact, saying:

"It is gratifying to know that some of the Powers with whom we enjoy a very friendly intercourse, and to whom these views [concerning the condition of the Spanish-American States] have been communicated, have appeared to acquiesce in them."

When Mr. Canning announced to Mr. Rush that "England could not see the transfer of any portion of them (these same States) to any other Power with indifference," she acted upon considerations much more applicable to our condition than to hers, and which are coextensive with the continent. There is great force in the remark of that eminent British statesman upon our situation and political duties:

"It concerned the United States under aspects and interests as immediate and commanding, as it did or could any of the States of Europe. They were the first Power on that continent, and now confessedly the leading Power. They were connected with Spanish America by their position, as with Europe by their relations. And they also stood connected with these new States by political relations. Was it possible they could see with indifference their fate decided only by Europe? Could Europe expect this indifference? *Had not a new epoch arrived in the relative position of the United States towards Europe, which Europe must acknowledge? Were the great political and commercial interests which hung upon the destinies of the new Continent to be canvassed and adjusted in this hemisphere (Europe) without the coöperation or even knowledge of the United States?*"

These words of wisdom of one of the most enlightened men of England, commend themselves, by their justice and liberality, to the consideration of every true American, and they are not the less just and liberal because they were urged with a view to induce our Government to become a party to a European Congress for the arrangement of American affairs. It was wise to reject the proposal; it is not less wise to acquiesce in the doctrine which led to it, and to make it ours by its practical enforcement in our own way, as a question of American policy, beyond the just sphere of European interposition. When such statesmen as Mr. Monroe, Mr. Polk, and Mr. Canning, unite in their general views of our rights and duties, those of us who believe in this salutary doctrine, and in the expediency of enforcing it, may well bear the censures, and sneers, and ridicule, and reproach, which our efforts encounter from some, because we go too far, and from others, because we do not go far enough, while the cautious and the timid see in every assertion of national rights and honor, a fearful cloud impending over our country, ready to burst upon us, and sweep away our prosperity, if not our existence.

One third of a century has passed away since these diplomatic discussions, and if our position and circumstances, being the oldest of the family of nations in the western hemisphere, conferred upon us at that time, such rights, accompanied by such duties, how much stronger is the appeal of this policy of continental independence to our earnest attention now, when time has developed our strength and our danger, and when our American interests are primary, and those which connect us with Europe but secondary in importance, and when, from day to day, this disparity is increasing.

This, then, being our settled plan of policy, and having been so announced to the world by two Chief Magistrates of our country, why, it may be asked, does it become necessary for Congress to interpose, and by a legislative declaration, reaffirm it? The nature of our Government furnishes a satisfactory answer to this question. Though there is no doubt but that these Executive declarations were beneficial in their operations, and aided in checking schemes of aggrandizement, which, had they gone on, would have changed the political aspect of the country south of us, and greatly to our injury, still they have not been wholly regarded, as events upon the La Plata and in other regions have practically demonstrated, and occurrences now going on in Central America, and which, from day to day, occupy the earnest attention of the Senate, showing the steps by which the merest shadow of possession becomes a claim, and a claim a title, which carries with it dominion and sovereignty, treaty or no treaty. These occurrences announce that our declared policy of exclusion will be still further disregarded, unless authoritatively reaffirmed in the name of the American people. An experiment is making upon our forbearance, or rather upon our apprehension, and as it is resisted or submitted to, it will be abandoned, or pushed to results which no nation now ventures openly to avow. It is but a few years since, that a principle looking to an American balance of power, was announced by the French Prime Minister, Mr. Guizot, in the Chamber of Deputies, in relation to occurrences at Buenos Ayres, utterly inconsistent with the true American doctrine; and no doubt our own negligence, or rather our timidity, has encouraged this spirit of presumption, and led to the belief that we do not intend to carry out our own principles, and that, therefore, they may be safely disregarded by other nations.

I repeat, that the nature of our Government furnishes a satisfactory solution of this course of foreign policy. The annunciation of our views upon this subject was intended to warn the Powers of Europe of our policy, and thus to prevent the violation of its principle. But upon this, as upon many other occasions, we halted in our course, and did not come up to our work. *We did not keep on the line of political knowledge.* We should have added the solemnity and the force of a legislative concurrence to these Executive declarations. Such annunciations, when made by the head of a European State, are made authoritatively, because, he who uses them, has the power to enforce them. They become settled maxims of policy, and other nations are aware that they cannot be interfered with, except at the hazard of war. But it is far different here. Great principles of national conduct depend essentially upon public sentiment, and can only be enforced in the last resort by the action of Congress. Public sentiment has, I believe, with almost unexampled unanimity, approved this principle, but Congress has never, by action or declaration, given to it the sanction of its authority. That decisive measure should have been taken when the Executive first promulgated the doctrine. The claim, therefore, has rested barren among our archives, only to bear certain fruit when the Legislature of the Republic adopt as its own.

An able and distinguished Senator from Ohio, now no longer among us, (Mr. Allen,) seeing the importance of this policy, and foreseeing the necessity of making it our own, and respected as such, by a more signal public act, attempted, some six or seven years since, to press the subject on the consideration of Congress, but his exertions, which deserved a better fate, were fruitless, and we compromitted alike our honor and our interests, by shrinking from a responsibility not less noble, in my opinion, than it was important. The Senate, if I recollect aright, refused even to consider the subject. We would not denounce interference, because that would be to interfere. And we should thus be led, but how I know not, into *entangling alliances*, the *bugbear* of American politics, which raises its spectral front, whenever it is proposed to take a decided step in our foreign intercourse. This national timidity never did any good, and never will. There are positions in the progress of a people, when firmness is not only wisdom but safety; and one of these we have now reached.

Mr. Monroe, when he first announced this policy, considered *the occasion proper* for the assertion of "*a principle* in which the rights and interests of the United States are involved." If the circumstances to which he referred justified this great and untried measure at that day, much more do the circumstances in which we are now placed justify the most solemn declaration of our adherence to it. Some of the independent States of Spanish origin seem to be hastening to dissolution, and almost all of them are weak, unquiet, agitated, and with elements of destruction in more or less active operation.

The most important in extent, in population, and in natural resources, and the one which, from its coterminous position, has the most intimate relations with our peace and interests, is precisely the Power whose fate appears to be the most doubtful. Its internal agitations announce one of those catastrophes, whose consequences are beyond the reach of human sagacity.

It is impossible but that this state of things should have attracted the attention of European statesmen, and have given rise to schemes, more or less matured, for turning the circumstances to the advantage of the two great Powers most likely to interfere, because most interested, and most capable of making their interference felt. We cannot disguise from ourselves that our progress and prospects, while they are a reproach to many of the Governments of the Old World, have excited their enmity by the contrasts they exhibit, and by the dangerous example they offer to the oppressed masses, inviting them to do as we have done, and to become free, as we are free. He who does not know that there is not a Government in Europe, which is a friend to our institutions, has much to learn of the impressions that our past, and present, and probable future, are producing among them. And while we should watch their designs with constant, even with jealous care, it does not become us to magnify either our own danger or their power. I have no fear of a direct attack upon this country. I do not believe that such a project is even among the reveries of the most dreaming statesman now on the stage of action. But what we have to apprehend is plans for arresting our extent and prosperity, the seizure of positions by which we might be annoyed and circumscribed, and the creation of an influence, and of schemes of policy, offering powerful obstacles to our future advancement. Motives have always existed and been in operation for checking our progress, but recent events have added as well to their number as their gravity. We have acquired an extensive territory upon the shores of the great ocean of the west, and our flag waves in the breeze that comes from the islands and continent of Asia.

Think you, Mr. President, there is a maritime nation in Europe which does not desire that every possible obstacle should be interposed in the way of all communication between the eastern and the western portions of this magnificent republican empire? Not one; and Nicaragua routes, and Panama routes, and Tehuantepec routes, and all others, if there are any others, to be used by us, are so many abominations in their eyes, to be tolerated only till they can be closed upon us by the occupation of commanding positions whenever opportunities can be found, or made for seizing them. Considerations of this nature, far more than their intrinsic value, give importance to Honduras, to the Colony of the Bay of Islands, to Sonora, to Chihuahua, and to other points where European intrigues have been at work to obtain possession. All we want is a fair and equal field for exertion, and if we have not industry and enterprise enough to hold our own way in the great career of advancement, we deserve to fall behind our rivals and cotemporaries, and ought to find no one "to do us reverence." But I have no fear of this, nor indeed has any one else. It should, therefore, be a cardinal maxim of our policy, to preserve, as far as we can, the integrity of the cisatlantic Republics, for it is almost as much for their interest as it is for ours, that these great lines of communication should be opened to all the world, and free to the competition of every nation.

There has recently been an attempt to wrest Sonora from the Mexican dominion, which at first attracted some attention in this country; but it has apparently failed, and the effort seems now rather to be ridiculed than condemned. The circumstances connected with the origin of that movement, are obscure, but public rumor at first assigned it indirectly to French agents, made with a view to the extension of the jurisdiction of their country over that region. There are strong reasons for believing that this conjecture was correct, though

to what extent those concerned acted from authority, will probably never be known, especially as the result was unfortunate, and such an event generally leaves these secret political agents to meet the consequences of their own responsibility. But it is not a little curious that it was known here that such a movement would be made, before we had any actual information of its occurrence, and it was understood to be under the direction of French interests, and with the design of French acquisition. I received a letter myself, from a quarter I am not at liberty to disclose, some days before we heard of the enterprise, which I mentioned to my colleague and to other gentlemen, foretelling the movement and coupling it with designs of permanent annexation. And a document has since reached this country, which is worthy of our attention, and which goes far to confirm these anticipations. It is a memoir, published recently at Paris, by Mr. Dupasquier de Dommartin, for the purpose of drawing the attention of European Powers, and especially of France, to the purpose of *colonizing Sonora* and Northern Mexico, as the only means of checking the rapid and formidable growth of the United States, and preventing for ever the acquisition of a railroad from the Mississippi to the Pacific ocean. The writer has devoted himself for some time to the careful study of this subject, has thoroughly explored the region of which he writes, and has laid the foundation for the policy he recommends, by *procuring, through the aid of the French Minister in Mexico*, large grants of land for the purpose of colonization, from the local authorities of Sonora and Chihuahua.

It is well remarked by the New York Times—to which paper I owe the above extract, as well as the translated memoir—that the fact of the commencement of such a colony, with the open avowal of such a purpose, is, of itself, sufficient to command the prompt attention of the American people and Government. And the interest is increased by the consideration, that such an appeal is thus publicly made for coöperation in the plan; made, too, in the French capital, where no such publication could appear, without the consent of the Government, that a French company obtained exclusive grants in Sonora; and that an attempt has been made to wrest that region by arms from Mexico. All these may, by possibility, be accidental coincidences, and not coöperating causes; but the suggestion requires a good deal of national charity, before it can become even credible. I wish there was time to lay this memoir before the Senate, for it is a very significant document, advocating the very policy from which we have most to fear in all our foreign relations. But I must confine myself to a very general summary of it. The writer adverts to our commercial interests, and to their extension; to our object to obtain *absolute command of the commerce of the world*, and to the certainty with which our projects of aggrandizement will be effected, from the wonderful progress we are making, and shall make, *unless Europe interferes to prevent it*. He then considers the condition of Mexico, with a view to show, that from her state of weakness and division, she will fall a prey to the grasping rapacity of the United States, unless saved by European colonization. He also gives a narrative of his explorations in Mexico, and of his efforts to lay the foundation for carrying his designs into effect. This brief abstract must suffice for the general purpose I have in view. I shall add to it the summary made by the author himself. He says:

"From the preceding there result two facts: First, that Mexico possesses the key of the Northern Continent, of the Atlantic and the Pacific, by land and by these two seas, of all the commerce which is carried on there. Second, that the existence of Mexico, pressed on all parts by the United States, hangs only by a thread."

"The whole question is now reduced to knowing *if Europe will permit the United States to obtain so much power.*"

A French periodical, of high and established character, The Annuaire des Deux Mondes, for 1852, has some remarks strongly corroborative of the importance of the suggestions of Mr. Dupasquier de Dommartin. "Some attempts," says that journal, "to afford a remedy for Mexican difficulties, have meantime been recently made. We mention the commencement of the colonization of the State of Sonora, which has been greatly aided by the French Minister." He who supposes that a French diplomatic agent would take such a step, without the instructions of his Government, knows nothing of that punctilious sentiment of duty which animates his corps, and little of the responsibility he would encounter. "Three hundred Frenchmen," says our authority, "collected from different parts of the Republic, are already settled upon the lands granted by the Government. Within a few years, a Frenchman, Mr. Dupasquier de Dommartin, has shown a lively interest in the projects of colonization." * * * "This," the adoption of his plans, "will be the surest dyke against the usurpation of the American race." * * * * * * * "There is also involved the great interest of England for Europe, in not allowing to be accomplished, in spite of her, perhaps against her, and to her detriment, this new dismemberment of the Spanish-American Empire." The Courrier des Etats-Unis, published at New York, the well-known organ of the French Government in this country, in an article, a few days since, made a very pregnant allusion, whether carelessly or carefully I know not, but certainly well worthy of attention: "As yet," says the Courrier, "France has not set her foot on the American continent. *We may fear what she will do, we admit*, but in good faith she does not *yet* merit the least crimination." This is honest enough, indeed, whether intended as a prophecy or as a warning. It may be that it will be found expedient to irradiate the new empire with the luster of conquest; and it also may be, that the great augmentation of the French Navy is connected with the designs upon this continent, so distinctly portrayed in the quotations I have made. Nothing is lost by a provident forecast.

Now, it can hardly be doubted by any man who is familiar with the course of European interposition, that if the effort just made to overthrow the Mexican Government in Sonora had succeeded, ere long the country would have passed into the possession of France, unless prevented by our remonstrances, or by armed intervention. As it failed, we shall not know its true history until we read it in another attempt, and perhaps a successful one. That, however, will not be made, if we are true to ourselves, by announcing and continuing to manifest a determination to resist it, or any similar scheme of European aggrandizement.

It is obvious, from the foregoing recapitulation, that our policy and purposes are attracting the attention of Europe; and whatever difference of opinion may prevail respecting the true origin and objects of the recent movements in Sonora, it is equally obvious that we may look for similar explosions, from time to time, with results far more injurious to us, unless anticipated and prevented by a prompt, bold, and decisive declaration, made to be enforced with all our power, should circumstances be grave enough to require us to put forth our whole strength.

If, then, we have a right to insist upon this principle of American exemption, and if the condition of things, here and elsewhere, may render the exercise of this right essential to our interest and our safety, and, still more, if the original annunciation of the doctrine meet, as it unquestionably does, the general approbation of the country, what objection can there be to its reaffirmation by Congress, the depository of so much of the power of the American people? Why this course is rendered necessary, I have already explained, and have shown that the time which has intervened since its first proclamation, and the circumstances, which have almost reduced it to a dead letter, have produced the impression, which evidently prevails in Europe, that we are not prepared to enforce it, as the war-making authority has refused or neglected to sanction it—why, I repeat, withhold this action, and leave us thereby to encourage untoward events, which due firmness, on our part, might anticipate, and would probably prevent? The decree stands recorded in the history of our Executive acts. It is essential to its vitality, that it should now take its place in the acts of the Legislative Department. Why not? Do you mean to leave it without effect, and abandon it to its fate, and not even attempt to enforce it? If so, it would be much more honorable to repeal it. Or do you desire its efficient action in great exigencies, which may come, probably, indeed, will come, for if you do, you must fortify it by the declaration of your zealous concurrence, and, if need be, your powerful coöperation. Or are we afraid to speak out boldly, plainly, as becomes the American people, trusting to the miserable policy of expedients, instead of asserting our rights and our determination to maintain them? It may be consoling to observe, at least for those who need the consolation, that a legislative declaration would, to say the least of it, have a strong tendency to prevent attempts, which, without such an imposing measure, would doubtless be made; for assuredly a contest with the United States for the acquisition of territory in North America, the very seat of our power, would not be hazarded without very powerful considerations, which it is difficult to foresee, in the face of the exertions of this country, putting forth all its strength.

So much for this project of reconverting the American continent into European colonies, and for the position it is our duty to assume and maintain in relation to it. And now for the second resolution, which looks to the present and the future of the Island of Cuba.

But before proceeding to the consideration of it, it is proper to remark, that its form has provoked a good deal of animadversion and some opposition, because the desire of the United States to purchase Cuba is not distinctly announced upon this occasion. Mr. President, it is an occasion which is not appropriate to such a declaration. Our present purpose, in this appeal to the world, is to announce our policy, should any other nation attempt to obtain possession, by the consent or without the consent of Spain, and in the conviction that such a solemn procedure will have a tendency to prevent designs which might otherwise be undertaken. But our purchase of Cuba is a question between us and Spain, and requires no public annunciation to other nations, and to make it, would be a sacrifice of our own self-respect.

So far as respects my own personal views, these I have already explained to the Senate. I desire the possession of Cuba, earnestly desire it, whenever we can justly obtain it, and the sooner that time comes the better; for then will be finally settled one of the most delicate questions—the most delicate, perhaps, in our foreign policy, always liable to embarrass us by grave conjunctures more easily to be seen than to be guarded against. As to the means, though, as I have already said, I am prepared to advocate its purchase, even at the most liberal price. Still, I should prefer its acquisition by the action of the people of Cuba—and a noble tribute it would be to our institutions—in the exercise of their power as an independent nation, could they succeed by any arrangement with Spain in procuring her recognition of that condition, or should they be able and prepared to establish their right to a place in the family of nations.

There are two questions involved in this subject of Cuba: one of right, the other of expediency. Whether we can do anything justly, and if we can, what and how much we ought to do. This great measure of policy, connected with the destiny of that important insular position, has long occupied the attention of the American people, and the considerations bearing upon it have been so often and so elaborately presented, that I shall confine my present remarks within the narrowest compass which the gravity of the inquiry will permit. We are all aware of the recent circumstances which have attracted and arrested public attention; and though the crisis they appeared to foreshadow has passed away, still there are elements of difficulty arising out of the uncertain condition of the Spanish monarchy, both metropolitan and colonial, which must be in active operation, ever liable to produce results gravely affecting our vital interests.

The right of one country to occupy or control portions of the possessions of another, is deducible from the great law of self-defense, which is as applicable to communities as to individuals. There are many instances in modern history of the application of this doctrine, and the code which regulates the intercourse of nations, and which adapts itself to the existing circumstances of the world, recognizes this power of self-preservation. Like other human pretensions, this is liable to abuse, and has been greatly abused in Europe, and espe-

cially by the usurpations, arising out of the *balance of power*—a principle avowedly introduced for the protection of the weak against the strong, but practically perverted to make the strong more powerful, and the weak more dependent. A nation, feeling the responsibility of its conduct towards God and man, and sensible of its own duties, should take care, when driven to avert danger by anticipating it, that it does not mistake a spirit of aggrandizement for the just claims of self-defense, and seize the fleet of a friendly Power, *a Danish fleet*, for example, as a mere instrument of maritime supremacy.

The true principle is well laid down in our own legislative history, and was announced in the resolution of Congress of March 3d, 1811, which declared:

"Taking into view the peculiar situation of Spain, and of her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign Power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory. They at the same time declare, that the said territory shall, in their hands, remain subject to future negotiations."

And in the act of Congress, passed on the same day, for the purpose of carrying this declaratory resolution into effect, it is provided that the President "be authorized to take possession of the country east of the Perdido river, and south of the State of Georgia and of the Mississippi Territory," among other events, in case it should be delivered up by the local authority, "or in the event of an attempt to occupy the said Territory by any foreign Government."

This is our doctrine and our policy, and the very proposition of the French and British Governments to our own, to regulate, by a tripartite treaty, without the participation of Spain, the future condition of Cuba, is itself a concession of the right to direct and control peculiar positions upon whose fate important interests depend.

Does the Island of Cuba present those paramount considerations connected with our safety and prosperity, which justify the United States in the exercise of a vigilant supervision over its destiny, and in the adoption of decisive measures for its possession, should any other nation seek to obtain it by force or by purchase? The importance of the question, rather than any difficulty in its solution, deserves a passing consideration, and in referring to it, I must repeat views I have heretofore presented to the Senate upon this subject.

The Gulf of Mexico is the reservoir of the great river of the North American continent, whose importance it is as difficult to realize, as it is the value of the country which must seek an outlet to the ocean through its waters. That country is nearly equal to all Europe in extent, embracing twenty-five degrees of latitude, and thirty-five of longitude upon the great circles of the globe. This vast basin extends from the summit of the Alleghany to the summit of the Rocky Mountains, and its population now equals eight millions. The man yet lives, who was living when almost the first tree fell before the woodsman's stroke in this great domain; and the man is now living, who will live to see it contain one hundred millions of people. Already the hardy western pioneer has crossed the barrier of the Rocky Mountains, and the forest is giving way before human industry upon the very shores that look out upon China and Japan. The Mississippi is the great artery of this region; which, drawing its supplies from the fountains at the north, pours them into the ocean under a tropical sun, and drains, in its own course, and in the course of its mighty tributaries—tributaries in name, but equals and rivals in fact—the most magnificent empire which God, in his providence, has ever given to man to reclaim and enjoy. I have myself descended that great stream two thousand miles in a birch canoe, admiring the country through which it passes in a state of nature, and lost in the contemplation of what that country is to be when subdued by human industry. The statistics of such a region, in years to come, is a subject too vast for calculation. Its extent, fertility, salubrity, means of internal navigation, and the character of the people who will inhabit it, baffle all efforts to estimate its productiveness, the tribute which its industry will pay to the wants of the world, and the supplies which the comfort and habits of its people may require.

During the palmy days of Napoleon, it is said that one of his projects was to convert the Mediterranean into a French lake. England has nearly done what defied the power and ambition of the Great Conqueror. She has almost converted it into an English lake, in time of war. Gibraltar commands its entrance, Malta the channel between Sicily and Africa, and the Ionian Islands the waters of the Levant. There were good reasons for believing, a short time since, that England was seeking to obtain a cession of the Island of Crete, the ancient kingdom of Minos, which would give her the port of Canea, that I found one of the most magnificent harbors in the world, equally capacious and secure. If England, in the pursuit of the same system, should acquire similar commanding positions on the Gulf of Mexico, that great reservoir would become a *mare clausum*, and no keel would plow it, nor canvas whiten it in time of war, but by her permission. Now, sir, looking to the extent of our coast in that direction; to the productions which must pass there to seek a market; to the nature of our population; and to the effect upon all these, which a permanent naval superiority would produce—where is the American who is not prepared to adopt any measures to avert such a calamitous state of things? Who can fail to see the nature of the predatory warfare which England would carry on in all times of hostilities, from her various positions, which would encircle the Gulf, from the Bahamas to Cuba and to Yucatan? And who, also, can fail to see, that even in time of peace, her many harbors would become places of refuge for a certain class of our population, and that perpetual collisions would occur, involving the peace of the two countries?

The Gulf of Mexico, sir, must be practically an American lake, for the great purpose of security, not to exclude other nations from its enjoyment, but to prevent any dominant Power, with foreign or remote interests, from controlling its navigation. It becomes us to look our difficulties in the face. Nothing is gained by blinking a great question. Prudent statesmen should survey it, and as far as may be, provide for it. We have, indeed, no Mount Carmel, like that of Judea, nor prophet to ascend it, and to warn us against a coming storm. But the home of every citizen is a Mount Carmel for us, whence we can survey the approaching cloud, even when no bigger than a man's hand, which threatens to overspread the political atmosphere, and to burst in danger upon his country.

So long as Cuba is held by its present possessors, neither we nor the commercial world have anything to fear from the projects of England or France; for the latter country also has its schemes of territorial and mercantile aggrandizement, as is apparent from the considerations I have already presented to the Senate. Spain is not now in a condition, and in all human probability never can be, seriously to annoy us, even if she had the disposition, and we may well rely upon her want of power and her want of will, and rest satisfied that her most precious dependency, the Queen of the Antilles, will not be hazarded by converting it into a military and naval arsenal for interrupting and seizing our commerce and devastating our coasts. But let the dominion be transferred to England or France, and where are we? The mouth of our great river might be hermetically closed, and the most disastrous injuries inflicted upon us. I need not pursue these considerations further, for he who is incredulous to their force, would not be driven from his incredulity by any effort of mine.

Such being the intimate relations between this island-fortress and our safety and prosperity, are there such indications of danger as to call upon a provident nation to decide upon its course promptly, and to pursue it inflexibly? The signs upon this subject are neither few nor doubtful. I am not going to review them. But no man of ordinary sagacity, looking to the acknowledged policy of France and England, can question the desire of both of them to acquire this commanding position. And a characteristic incident occurred not long since in the House of Commons, which shows the views of British statesmen upon this subject. Lord George Bentinck, one of the most distinguished public men of England, and then the Tory leader in the Commons, in a discussion which took place there, said:

"He had read in the Times an extract from a United States paper, in which it was stated, that if the United States did not possess herself of Cuba, Great Britain would, and that England had a greater claim, by one hundred fold, to Cuba than the United States had to Mexico, because a sum of £45,000,000 was due to British subjects, and Cuba was hypothecated for the debt, &c., &c. He would therefore say at once, let them (the British) take possession of Cuba, and settle the question altogether. Let them distrain upon it for the just debt due—and too long in vain—from the Spanish Government."

And then comes the true key to the English heart:

"Then depend upon it," continued the speaker, "when Great Britain possessed the Havana, as once she did in 1762, when she held it for about a year, and then exchanged it for the Floridas, and WHEN SHE COULD CUT THE TRADE OF AMERICA in two, no more boasts would be heard of what the United States could do," &c.

The importance of Cuba to our interest seems to be pretty well appreciated in the halls of British legislation. This last candid avowal of a design and a desire to cut in twain the commerce along our southern coasts, would find its proper place in a precious article published some years since in Blackwood's Edinburgh Magazine, entitled "A War with the United States a Blessing to Mankind," filled with some of the most cold-blooded suggestions that ever marked even that notorious receptacle of vile slanders against this country. The present security of Cuba from European interference, independent of our position, is to be found in the jealousy of France and England. And could this be removed by any scheme of partition, the mortgage would be foreclosed, for France also has a similar lien, and the property transferred as soon as the process could be completed. And we are reminded, in the recent correspondence between Mr. Everett and the Ministers of France and England, on the subject of the proposed tripartite treaty, suggestively or significantly, as may be, that the hypothecation is yet in full force as "British and French subjects, as well as the French Government are, on different accounts, creditors of Spain for large sums of money." How soon the creditors may *distrain*, in the language of Lord George Bentinck, may depend upon our course. I am satisfied they will resort to no such remedy, should we keep on Mr. Canning's *line of political knowledge*, and say, if you touch the island, that act will be a declaration of war against the United States.

Besides, no man can look at the aspect of Europe without feeling assured that, from day to day, collisions may arise between nations, and internal convulsions may shake the very frame of society. And wars may thus break out, extending their effects through the globe. The Spanish monarchy, it may be, is incapable of rejuvenation; I do not know how that may be, and I leave it to a wiser or to a rasher man than I am to speak confidently. But certainly that kingdom is marked with the signs of some approaching catastrophe. If the new French Empire follows the traditions, as it inherits the name and institutions of the old, which rose and fell with its founder, the greatest name, in my opinion, in modern, if not in ancient European history, it will soon make itself felt in the Hesperian Peninsula, and become the arbiter of its fate. To rely, as some profess to do, upon the security which the present state of things in Europe gives to the Spanish dominion in Cuba, is to neglect the most obvious dictates of policy, and to abandon an object of vast importance to the mere chance of events.

The correspondence to which I have just alluded gives rise to some serious reflections. Before adverting to these, however, I desire to express my warm approbation of the letter of Mr. Everett. It is worthy of his character, and it is marked by a lofty patriotic American feeling. I have seldom seen a document more conclusive in its argument, or more beautiful in its style or illustrations. If it had announced openly that we desire to purchase Cuba—and that declaration would have been appropriate to the occasion—I should have given to it almost my unqualified adhesion; but even with that omission, I feel proud of it, as an American State paper.

And I thank Mr. Everett for the reproof, or re-

tort, be it one or the other, caustic, though a little reserved, as became his position, but plain enough withal, which he administered to his diplomatic correspondents on the subject of our territorial acquisitions, compared with those of France and England. If there is one chapter in the whole history of human hypocrisy, from the time of the parable of the Pharisee, who thanked God he was not as other men, and especially as that *Publican*, down to the last diatribe against the grasping propensity of the United States, more remarkable than any other for its inconsistency, it is that which records the boasts of European self-disinterestedness, compared with that PUBLICAN on the western side of the Atlantic, who covets all he sees, and snatches all he can. Mr. Everett's defense of the history of our acquisitions is unanswerable, as well with relation to the means by which they were obtained, as to the meliorations resulting from them. Truly has he said, "Every addition to the territory of the American 'Union has given homes to European destitution 'and gardens to European want." And he might have added, with equal truth, freedom and the rights of man to European vassalage. He says, rather slyly, that the extensive accessions made to French and English dominion, "have created no uneasiness in the United States," and that "probably," he speaks with diplomatic doubt, "*probably*" our *accessions of territory*, while following the example set us, "caused no uneasiness to the great European Powers." Well done, Mr. Everett! well done! Addison could not have managed this retort with drier humor, nor in a happier vein of irony.

But to return to my remark, that this correspondence gives rise to some serious reflections. Why was this proposition for a tripartite treaty submitted to the United States? Not with the slightest belief that it would be accepted. There was not a member of the French or of the British Cabinet, who did not know as well before the project was referred to us as after, that the offer would be peremptorily rejected. They all understand our principles and our policy. They knew we were opposed to these "*entangling alliances*," for these are truly so; and they knew our views with respect to Cuba, and that we would not sacrifice our permanent interests to any such scheme.

Then why this solemn farce of an invitation to do what it was known we would not do? Well, sir, there is but one rational answer to this inquiry. Those two Governments are able to say to us, now and hereafter, we shall take our own course with respect to Cuba. We have asked your participation in the measures necessary for its security, and you have declined to join us. We are free to act as we please. We have given you warning that we do not recognize your right to acquire that island, and that we shall "discountenance" all efforts that you may make to obtain possession of it. This declaration is explicitly made by the French Government, and the same view is easily deducible from the letter of Mr. Crampton, where he speaks of there being something equivocal in the declaration of the United States in consequence of the "juxtaposition" of the words "European" and "Power," and inviting a plain disavowal of our intention ever to obtain possession of Cuba. This, of course, he neither got, nor expected to get.

Thus, then, stands this matter: France and England have assumed the right to decide upon the destiny of Cuba, and have asked the concurrence of the United States in their proposed arrangements. This has been declined, and the two Powers, upon their own principles, are free to regulate the whole subject, so far as they can agree in their policy. If they cannot do that, each of them will probably await the chapter of accidents, protesting or seizing, as one or the other may be in the ascendant—provided, however, that we sit still and philanthropically *cry peace, peace, when there is no peace.*

Now, sir, I have endeavored to shew why these resolutions should pass. I have endeavored to show both our right and our duty to adopt them, and also that their adoption would have a powerful operation in checking projects of aggrandizement, which, without our influence, will go on to their consummation. I do not presume to say that this solemn proceeding alone will, under all circumstances, secure our immunity from these dangers. But I do say, it will be heard, and not unheeded; and projects which, without it, would be, and perhaps promptly, carried into effect, will be, if not abandoned, at least delayed, *till a more convenient* OPPORTUNITY—which will come when pusillanimity guides the councils of our country, and not till then. Why, then, not say what we mean, and do as we say? Gentlemen opposed to this course, while they avow their indisposition to act, acknowledge, also, that our policy must be enforced by war, if necessary, should the effort be made to thwart it and to endanger our safety.

A highly estimable member of the House of Representatives, for whom I have much regard, has recently remarked that "he was not willing to sustain the resolution." "He was opposed to serving a John Doe and Richard Roe notice to the world," though he avowed his determination to act by force if European colonization should be attempted, or if there should be danger of any maritime nation taking Cuba. Then why not say so? The declaration may do good, and can do no harm. No American, Mr. President, has the right to undervalue his country, by saying that the avowal of a firm resolution on her part to resist an unjust policy, deeply affecting us, will be received in Europe with indifference, or lightly regarded. No, it is not so; and without the fear of any imputation of self-exaltation, we may influence by a higher standard than that. If, indeed, we do nothing, by our own differences and discussions, to cast suspicion upon our ultimate course, leading the politicians of Europe to believe, that when the trial comes, the record containing our words will never be inscribed with our deeds; far better is it to do nothing, than thus prove recreant. I repeat, sir, why not say, in good faith, what in good faith we mean? These annunciations to the world of a fixed course of policy, in certain contingencies, to be foreseen or apprehended, are common occurrences in the intercourse of nations, and therefore to be decided on, under existing circumstances. Why not serve a John Doe and Richard Roe notice to the world? Passing by the sneer, in which I join, upon the clumsy contrivances of the common law, by puerile fictions to do indirectly what should be done directly, and looking to the object and not to any form of expression, even though rendered unpalatable by its associations; the serving of that notice is precisely what we may do, as a just nation; what we ought to do, as a wise nation; and what it becomes us to do, as a frank and republican nation.

Did not our fathers issue a John Doe and Richard Roe notice to the world, on the fourth day of July, 1776, when we assumed a place among its independent communities; and did they not then announce certain great principles as fundamental articles of our political faith? And did not the Emperor of Russia, but the other day, issue also his John Doe and Richard Roe notice, in the form of a Muscovite decree, proclaiming to Christendom that nations should not be independent, contrary to his pleasure?—for such is the meaning of that memorable State paper, when divested of its diplomatic redundancy. And is not modern history full of these declarations, more or less just or unjust, as well as more or less grave, down to the blockading of a port even, which is made known by the same process?

So much for these two old pillars of the common law, thus converted into pillars of the public law of the world. And I take this occasion to add, that I saw with dismay, that these two reverened personages had been recently put to death by the British Parliament!—the most prominent event in human progress that has occurred in my day! The old dry bones are really beginning to shake. I have no doubt, but that this irreparable loss has been sincerely deplored, as well in England, as in this country, by many a devout believer in the doctrine that all changes are changes for the worse; and that unless a head is covered with a *horse-hair wig*, whatever may be inside, the outside renders the man utterly unfit for a judicial station.

"*Oh, the virtue of horse hair!*" said the waggish *Progressivists* of the Edinburgh Review.

But, sir, these resolutions, or equivalent ones, embodying the same principles, will pass the Legislature of the United States. Their passage is but a question of time. They may fail to-day, and they may fail again. Timidity or immobility may overrule that firm sagacity which befits our condition. It is just as certain that these principles themselves will be permanently ingrafted into the American policy, and in the most imposing form, as it is that they are now ingrafted in the hearts of the American people.

My friend, the Senator from New Hampshire, [Mr. HALE,] said the other day, with that *ex cathedra* manner which distinguishes his vaticinations, not always remarkable for their fulfillment, that we should *back out* of this declaration, if made, as we always do. The sentiment is not very patriotic, nor is the assertion correct; nor, indeed, is it redeemed by the charm of novelty. I heard the same taunt in 1812, though in different terms. The phrase then was, and it was daily heard from our political opponents, that the country could not be *kicked* into a war. Well, sir, we went to war, notwithstanding, and came out of it without *backing*. And he who thinks we shall not, and urges that as a reason for submission to national degradation, knows little of the resolution of his countrymen, when the hour of trial comes. There is one redeeming and encouraging feature of our public character in all these contests between standing still and going on, and that is, that the national feeling, in all grave conjunctures, has always gone ahead of the Congressional feeling. I know of no exception; the latter *pants* after the former, but not entirely in *vain*. And it is best it should be so. The public instinct and judgment are right, and are animated with an ever active love of country, which feels its way and follows it, turning neither to the right hand nor to the left.

Mr. President, I am not going over the old ground of our *manifest destiny, and the mission we have to fulfill*, and other similar phrases, expletives, if you please, adopted into our political vocabulary, and which have provoked more criticism than they merit, and been assigned more importance than they are entitled to. I take it, they are all merely indicative of a strong impression of the mighty career that is before us, and of the duties and responsibilities it brings with it, as well towards ourselves as the world. However these may be magnified or depressed, they cannot be avoided; and that past which alone foreshadows the future, is filled with the most startling proofs of national progress, which have ever arrested the attention of mankind.

The generation has not yet wholly passed away since we were a peaceful dependency of England, and he who, by the kindness of Providence and the favor of his fellow-citizens, is now permitted to address you, was born before the final acknowledgment of our independence by the parent country. A narrow strip of sea-coast, and a scattered population short of three millions, who were hardly permitted, as it has been said, in illustration rather than in assertion, to make a horseshoe nail for themselves, divided into separate colonies, and almost unknown, with some profitable rather than patriotic anticipations at home, as England was then called, that these possessions might be useful for the purpose of taxation. Such was our condition about the commencement of our revolutionary struggle, and at its close we found ourselves exhausted by the exertions we had made, and without internal trade, without external commerce, and, in fact, without a government for the protection of social order or the prevention of foreign aggression; and, indeed, the institutions of the country were maintained by the character of the people, and not by political organization. The seventy years which have since passed away have more than quadrupled the area of our territory, have increased our population eightfold, and have added to our productive industry, to our commerce and navigation, to our revenue and resources, and to all the other elements of power and prosperity in a still greater ratio, while they have given us a Government and institutions as free as is compatible with the preservation of order, and have placed us among the great Powers of the earth, with *none to make us afraid*. And at the same time our intellectual improvement has kept pace with our material advancement, and our whole progress is without example in the history of nations.

Now, sir, in this state of things, let no man de-

spair of the future. Let no one fear that his country will not, sooner or later, come up to her proper work, without presumption, but without hesitation. Our progress is from day to day, but the steps which mark our career before the world are the decennial periods, when the "*numbering* of the people" discloses results surprising even to ourselves, and almost incredible to the other nations of Christendom. Eight of these I have lived to see, and the gigantic strides they mark indicate a future which is almost appalling to the imagination. If this magnificent destiny, even now so gratifying to national pride, but in prospect so boundless in its power for evil or for good, brings with it causes of gratulation for every true American, it brings also grave responsibilities, which cannot be evaded, and ought not to be neglected.

It is thus we have a *mission to fulfill*, in the example we may offer, and in all just efforts to promote the extension of freedom, the advancement of knowledge, and the establishment of all the great principles on which public and private prosperity depends.

In looking back upon our progress from infancy to maturity, it is obvious that we have submitted to much that was unjust and contumelious, because we had not strength to resist, as we should now do, pretensions not less remarkable for their injustice than for the presumption and pertinacity with which they were urged. We had true patriots in those days of weakness to guide and counsel us, and well did they fulfill their trust. But we had to bear much, because we could forbear when we could not avert or avenge.

But old things have passed away, and with the power has come the determination of the American people to protect their interests and their honor wherever and whenever and however these may be assailed. Why, sir, it is difficult even for this generation to believe, and to the next it would appear perfectly incredible, unless established by the irrefragable evidence of public records, that for twenty years we seriously argued with England, in labored diplomatic notes, whether her naval officers had a right to enter and search our vessels, wherever these might be met on the ocean, and to take thence, at their mere will, any person they might find, and consign him to that worst of slavery, the slavery of unlimited service on board a hostile ship to fight against his own country. Well, sir, we have exhausted that argument, and shall supply its place by other means. We have got far beyond discussion, and the first man impressed from an American vessel by a British officer, whose act is recognized by his Government, will be the signal of war. Nor shall we ever again discuss the legality of Berlin and Milan decrees, and all the other schemes of rapacity by which neutral property was stolen during the terrible contests arising out of the French Revolution —schemes which were defended, in elaborate State papers, upon a highwayman's plea, that he robs you because you have been, or will be robbed, by some one else. All this, too, is with the things that have been. And think you, sir, that the time will ever return when a third of the territorial extent of one of the States of this Union will be ceded upon such pretexts as those which dismembered the State of Maine? Never, in my opinion, was there a public claim urged upon grounds so utterly indefensible as that; but we yielded, and now let us make the best of it, and acquiring resolution as we acquire strength, let us do just what is right—and demand it from others. That is our true policy, and as it is right that we should exercise the same authority as the other Powers of the world, our coequals only in position, in the declaration of great principles of international law, the true sentiment of self-respect will teach us, ere long, to maintain its inviolability when threatened with dangerous innovations, hostile to the freedom and independence of nations, by the same solemn and authoritative procedure as that which announces its peril. If we choose that our Chief Magistrate should wear a hat, and not a crown, we desire it to be understood that we are just as jealous of our rights and honor, and have just as much of both, as the gaudiest monarch of them all.

We committed a great error, not a fatal one—that it would be difficult to do in our condition of elasticity—when, last session, we refused to pass a declaration denying to the Emperor of Russia, the authority he had assumed, to act the part of universal legislator, and to impress his own will upon the code of the public law of mankind, prostrating with his pen, preparatory to prostrating with his sword, all the barriers that protect the political rights of nations. Well, we shrunk also from this high duty. We got alarmed at the shadow of something—I do not know precisely what, whether *Russian ukases*, or "entangling alliances"—and left the Czar to pass his own law, and to enforce it too. And hereafter, when the occasion comes,—and it will come, for power, like the daughters of the horse-leech, always cries Give! Give!—he will be able to quote his own precedent, submitted to in both hemispheres, and seek to regulate the whole subject of international communication, and of national rights by a ukase, as he regulates the lives and fortunes of the sixty millions of people who call him lord and master. In brief time we shall abjure all this, as well our own subservience, as his presumption, and assume our place in the great legislative council of nations.

We have evidently reached one of those epochs in the career of nations to which the historian of their decline and fall looks back, in his searching investigation, into the causes of their fate. Our duties are plain, noble indeed, and our position invites us to fulfill them, firmly and fearlessly. The progress and improvement in all the great branches of human industry, and especially in those which relate to the intercommunication of nations, and to the benefit that each may derive from all by the interchange, as well of knowledge as of material products, have brought the human family more closely into contact than at any former period, and have opened interests which, if not new, have become much more powerful in their extent and operation, and which give some degree of unity to the public feeling of the world. We cannot withdraw from this great association. We cannot isolate ourselves from the common sentiment of the age, nor ought we to do so, if we could. Our place is assigned to us by events almost beyond our control, and as we fill it, worthily or unworthily, the judgment of the future will pronounce us the inheritors of the spirit, as we have been of the labors and sacrifices, of the men of the Revolution, or craven descendants, false to their principles, as to our own honor. I am well aware, Mr. President, that such views expose a man to a great deal of obloquy in this country. I have experienced all that, in common with many others. But neither the advent, nor the apprehension of it, has deterred me at much earlier periods of life, and certainly will not deter me now, when that life is fast drawing to a close, from the expression of an earnest hope that the American name and fame will be maintained by the American people with the brightness of true glory, undiminished by the neglect of a single deed, or the commission of a single deed, which national honor may require we should do, or leave undone.

There are men, American citizens even, who cannot appreciate sentiments like these—who disbelieve in their existence, and who deride and denounce all those who avow them as *demagogues* —that is the term—and which, when truly translated from our party vocabulary into old-fashioned English, means all who differ in great measures from these standards of faith, and advocate them, even though they are *acceptable to the people*—a fatal error, indeed, in a country like this. I saw the other day a specimen of this exclusive patriotism, which rails at all it does not accept, in a Buffalo paper, the Commercial Advertiser, which, from its *near* relation to the present Administration, I should have thought would have tried to elevate itself above this tone of affected moderation, but of real subserviency, and which deprecates all these efforts to resist European encroachment, talks of the *ghost of the Monroe doctrine*, and of *palpable absurdities* introduced into the Senate with *owl-like wisdom*, and in a *spirit of demagogism*, and of the equality of the rights of European monarchs with the United States upon this continent, and much more of the same sort, little suited to the banks of the Niagara, but which would find its proper home upon the banks of the Thames, as would he who cherishes and utters such anti-American sentiments. But time will bring its cure for this Anglo mania, and when the patient once recovers, he wonders how he ever caught the disorder.

I have seen a great deal of this political perversity, this unpatriotic predisposition which prompts many men always to take part against their country, whatever be the position in which she is placed. I do not recollect a single controversy in which we have been involved with a foreign Power, since I have been on the stage of action, when the whole sentiment of the country was united in the cause of the country. I doubt if there is another people on the face of the globe whose history presents so many instances of this want of true national pride, patriotism rather, as our own. Whether it results from any peculiar political idiosyncracy I know not; or whether our party feelings are so strong that we are blinded by them, and led, in their vehemence, to think that all is wrong our opponents do; or it may be, at any rate, so far as England is concerned, that some of the old colonial leaven remains, which leavens much of the lump. Be it one or the other, or whatever else, the deplorable consequence is certain, and the sentiment of Decatur, not less noble than just, "*Our country right or wrong*," which, being truly understood, felt rather, means, that when embarked in a controversy with a foreign nation, it becomes every true citizen, after the course of his country has been decided by the constitutional authority, to submit to that decision and to support her cause, and not the cause of her foes; this noble sentiment finds many who repudiate it; many who possess the character without possessing the feelings of American citizens.

Mr. President, I trust our imperial neighbor on the other side of the Pacific, the mighty brother of the sun and moon, will set up no Chinese claims to our new possessions upon that ocean; for if he should, they might create much embarrassment, as I fear there would not be found wanting those among us ready to vouch for the validity of the claim, and to impugn our title because it is ours.

But, returning from this digression, if it can be called one, more immediately to the subject, I would observe that *conservatism* and *progress*, as they are called, designate principles, positions rather, which are useful in their moderate, but injurious in their extreme application. Like all other antagonistic elements, which work together, and well and wisely, in the worlds of mind and matter, these also may usefully coöperate, without counteracting each other. It may be that we may run too fast; but we have not yet committed that error, nor do I believe we shall. When we do, then it will be time enough to announce the danger and to propose the remedy. In the mean time, we desire that we may be left free in our career, rightfully free, unimpeded by tortuous European policy or project of aggrandizement upon this continent. And every American who participates in this sentiment, will be ready to proclaim it, as these resolutions do, and abide by it, in safety and in dangers. We do not intend to be circumscribed in our expansion, nor do we intend to have this hemisphere ruled by maxims suited neither to its position nor to its interests, and divided into political communities, dependencies of European monarchies, or under their influence, and, therefore, liable to be involved in every war breaking out in the Old World, and thus extending its dangers and its difficulties to the New, and by which means we should be exposed, in all time to come, to have our lines of communication with our Pacific coast interrupted, our *commerce cut in two*, as Lord George Bentinck said, and war entailed upon us, agreeably to the moral code of Blackwood, that impersonation of English Tory feeling, as a "blessing to mankind," together with all the other vexatious annoyances which such a state of things could not fail to bring with it. If this is not to be our *destiny*, we must be progressive, till the great objects are accomplished, and then just as *conservative* as may be necessary to maintain our high position in the world, our free institutions, and all those elements of individual and national prosperity which God has given to us, and which, I trust, man will never be able to take away. This will be the truly American union of *progress* and *conservatism*.

Mr. BUTLER. Mr. President, I do not rise to go into any general discussion of this joint resolution; I rise rather to make some explanations in regard

to a doctrine which has often been brought into review before the Senate; I mean the Monroe doctrine. Many very important doctrines have been discussed within the scope of this debate, and I assure the honorable Senator from Michigan that I fully sympathize with him in many of his patriotic sentiments; I might concur with him in many of his abstract opinions; and I do not know that I dissent from his doctrines in the main. But he has taken a very enlarged view of very grave subjects, because I have no doubt he has deliberated upon them, and in the maturity of his own intellect he has brought them forward as worthy of public attention. Before I undertake to make the explanation which I have been induced to make by the suggestion of friends this morning—for I assure you I had no idea when I came into the Senate to-day of taking any part in this debate, or of saying a word upon any of the subjects which might be brought into it—I must undertake to say, that many of the subjects referred to (and in fact I do not know what has not been brought forward; the whole encyclopedia of our foreign relations has been fully presented, and I have no doubt very ably presented) have nothing to do with the Monroe doctrine. That was not the way that Mr. Monroe regarded questions of this kind. He and his Cabinet were practical statesmen, more practical statesmen than dialectic politicians.

Sir, the Monroe doctrine, as I understand it, was asserted upon a real issue—an issue involving very deeply the interest, and the honor, and the future character of American institutions. Now, allow me to present that issue as I understand it, and as it was presented in remarks of Mr. Calhoun, to which I shall refer presently, upon this subject. As I understand, from conversations with Mr. Calhoun, and from his remarks, as well as those of others, the allies, after the overthrow of Bonaparte, entered into what is known as the Holy Alliance. Having combined for many objects, they felt their strength, and I have no doubt, in the arrogance of their policy, were perfectly willing to bring within the scope of it all that they could. Among other things, they were disposed to restore the Spanish dominion to the South American States. In other words, sir, offended at the spirit of revolution, and at the progress of republican institutions, they were disposed to crush these young Republics in their growth, and to substitute in their place the doctrines of legitimacy and absolutism. Castlereagh, who represented the British Cabinet on that occasion, finding that these doctrines were not altogether agreeable to the genius or spirit or taste of even British statesmen, wrote to Mr. Canning, who was then Premier, I suppose giving him, by a secret message, what had been proposed in this convention of the Holy Alliance. It was then that Mr. Canning wrote to the Cabinet of Mr. Monroe, and said, We are involved in this alliance, and we want a pretext, not to retreat, but to hold ourselves aloof from a committal which may bring us into collision with you, and which, in our opinion, is against the policy of the world. Therefore, if the United States, or the Cabinet of the United States, will take strong ground, make a strong assertion that they will not suffer Spanish dominion to be restored to these American States, we will at once say to the continental sovereigns, we have nothing to do with that subject, because, although we are willing to go to some extent with you to restore the harmony and peace of Europe, we are not willing to take a step which will embroil us in a collision and war with the United States of America.

That was the real occasion; that was the Monroe doctrine. The Monroe doctrine had reference to an actual state of things, and an issue upon which the institutions and policy of the country were deeply involved. And, sir, the Monroe doctrine was asserted at the time to vindicate a principle. As I understand our forefathers, they were a people of performance and not very long advertisements. And I have observed that these long advertisements are generally followed by very short performances. When there is a real issue presented, involving the United States in a war with Great Britain, anything affecting our continent or our policy, I will say to the Senator from New Hampshire, [Mr. HALE,]—and I concur with the Senator from Michigan, [Mr. CASS,]—there is no danger in the United States backing out. I shall never fear that the spirit of the American people will quail, when it becomes our policy to maintain either our honor or our interests. I have not the least idea of it. But, sir, one of the real issues, which might bring one of the most desolating wars to both nations, would be a trespass to try title to Cuba. I may be permitted to say, that in a John Doe and Richard Roe action of trespass to try title to Cuba—for I believe England uses that form, instead of an action of ejectment—if Great Britain should think proper to be one of the parties, I will answer for it that the United States will maintain whatever declaration their interests may require them to make. I do not choose to say that we are to have Cuba either in this way or that. I may have occasion to say something upon that subject hereafter. I do not choose to say it now. I will say, however, I am indebted to the honorable Senator from Michigan for one suggestion; and that is, if Brother Jonathan grows as fast within the next thirty years, as, according to his past history, it is to be presumed he will, I am not very much afraid of old John Bull being much in his way in his progress westward.

No, sir, after the valley of the Mississippi shall have been filled up, and our people shall have been indurated, if I may so express it, by a mature growth—if they maintain for the next fifty years a progress equal to that which they have made in the history of the past—do you suppose that they will give up a neighboring island, or any neighboring possession? Why, sir, all the islands in the Caribbean Sea, if under no other influence than the attrition of opinion, cannot maintain for a very long period—I cannot say how long, for I am no prophet—their European connection. They will become de-Europeanized. Bayonets, military guards, are very poor sentinels against the innovation of opinion. Why, sir, you might as well attempt to stop the progress of the Mississippi with a bundle of hay, as to stop the progress of American influence upon this continent. But I say, and I say it with perfect confidence, that a real issue must be presented before I determine whether I will assert the Monroe doctrine or not. I do not understand it in a general sense, as the honorable Senator from Michigan does; and Mr. Calhoun did not so understand it. I think Mr. Calhoun asserted the true Monroe doctrine, and I will take the liberty of having Mr. Calhoun's views presented, if the Clerk will read the document I send to the Secretary's desk.

Mr. CASS. Will the honorable Senator, before it is read, permit me to make one explanation? I have sent for Mr. Rush's account of his embassy, which I have not before me. That will explain the whole matter. The whole thing was discussed in Mr. Calhoun's day.

There are two principles, the honorable Senator will observe, which are laid down in Mr. Rush's work. Mr. Rush was invited by European statesmen, to form a Congress to regulate South American matters. He declined very properly. There was then an intimation that a declaration like that about the Spanish-American Colonies, would be acceptable to England. But Mr. Monroe, you will observe, went much further than that. He did not stop there. You will see, by the account of Mr. Rush's embassy, which I will have here in two or three minutes, that Mr. Monroe's doctrine, which had respect to the South American States which had assumed and maintained their independence, was fully approved in England; but they received with disapproval the doctrine that we could not allow them, or any other nation, to establish colonies upon this continent. The first was, in effect, to say, these nations are independent, and we will support them; but Mr. Monroe's doctrine went far beyond that.

It will be seen, on reference to Mr. Rush's account, that he says expressly that Mr. Canning and the English statesmen were very much dissatisfied with the latter part of the Monroe declaration. They concurred in the first; that is, in the refusal of the United States to permit the South American States to again fall under Spanish dominion; but they were utterly opposed to the anti-colonization doctrine, which gave notice to Europe that we could not view any interposition in the affairs of this continent, for the purpose of controlling or interfering with them, in any other light "than as manifestations of an unfriendly disposition towards the United States." I have not time to go through the whole matter. I have not before me the book at this moment; but the honorable Senator will ascertain, by looking at it, that there are two points in the doctrine: one in respect to the attempt upon the South American States, and the other in opposition to a colonization system on this continent by Europe. It is distinctly stated by Mr. Rush, in his account of this mission, that when the latter part of it was communicated to the British Ministry it excited great dissatisfaction. While they agreed to the one, they utterly disagreed to the other. The same with respect to Mr. Polk, in 1845. He reaffirmed the same doctrine, without any peculiar application then to the condition of South America. It was a general reaffirmation of the American doctrine. As soon as I get "Mr. Rush's Residence at the Court of London," I will hand it to the Senator, and he will see the distinction expressly laid down between the two points, and to only one of which the British Government agreed.

Mr. BUTLER. Let what I have sent to the desk be read.

The Secretary read from the speech of Mr. Calhoun, as follows:

"The Senator justified the course proposed by Mr. Monroe in 1823 and in 1824. The case was not analogous. I do not remember whether the injunction of secrecy was removed. A friend said last evening it had been. However, I presume, after so great a lapse of time, it will not be considered any violation of confidence to state briefly the question which led to the declaration. We all remember the Holly Alliance to overthrow Bonaparte. England refused to join it, although she acted with it. In the process of time the Holy Alliance contemplated an interference with the affairs of South America, in order to restore the dominion of Spain over her revolted provinces. Our Government received an intimation from Mr. Canning, who was then at the head of the British Ministry—a man of extraordinary sagacity and talent—stating at the same time that if the American Government would back the British Government, she would discountenance such interference. And this general declaration had reference to a specific case, and stopped there. Mr. Monroe was a wise man, and had no design of burdening the country with a task it could not perform. He knew there was a broader declaration made by the gentleman then Secretary of State; but, as far as my knowledge extends, it was never brought forward for Cabinet deliberation. It has been a long time since, and I will not be positive. I have no doubt that the gentleman to whom reference has been made is entitled to the paternity. I say so, because out of this grew the Panama convention, although it was not legitimately an offspring. But if this declaration was right, the Panama convention was no bad conception, and the propriety of our sending a Minister could hardly be resisted."

Mr. BUTLER. On the Yucatan question, too, Mr. Calhoun, in connection with the same subject, delivered his views, and so did the honorable Senator from Michigan. Mr. Calhoun's remarks are thus reported in the Congressional Globe:

"Mr. Calhoun rose, and referred to the ground on which the message of the President of the United States had placed the proposition now before the Senate, to prevent Yucatan from becoming a colony of a foreign Power, and to prevent also the devastation of the country, and the destruction of the white inhabitants. He had placed our proposed interference on the ground of Mr. Monroe's declaration. Against all these points, against the message, and the report of the Committee on Foreign Relations, he had, after deep reflection, made up his mind to record his vote.

"He went on to show that the declaration of Mr. Monroe was published in opposition to the designs of the Allied Powers, called the Holy Alliance; and contended that the case of Yucatan could not be brought within the range of that declaration. He stated what was the conduct of the Holy Alliance, and what were their designs, and the alarm taken by England at the innovating principles laid down by them. He adverted to the information given by Mr. Rush, and the manner in which the Cabinet acted on it. The schemes and the existence of the Holy Alliance had entirely disappeared; and if a final blow had been necessary, it was given by the recent revolutions in Europe. A more especial declaration with regard to Spain was then agreed on, and Yucatan cannot be comprehended in it."

Now, I would refer the honorable Senator from Michigan to his own remarks on the same subject. I shall not read them, or comment on them, because I might not understand them; but if I did understand those remarks, I thought that he in that debate distinctly concurred with Mr. Calhoun. I will hand them to the honorable Senator. I will not read them.

Mr. CASS. There is not one word in them which is not in conformity with what I have said to-day.

Mr. BUTLER. I dare say.

Mr. CASS. I do not allude to the honorable Senator now, when I say that I defy the world to find one word of them different from what I have said to-day.

Mr. BUTLER. I made no imputation of the kind. I was only saying, in connection with my explanation of Mr. Calhoun's views, that the honorable gentleman seemed to concur, at least to the extent that Mr. Calhoun went in his idea of the Monroe doctrine.

Mr. CASS. You will observe, Mr. President, that I stated at the time that I thought the subject had almost passed from Mr. Calhoun's memory. He himself stated that his recollection was indistinct. I have, however, looked at the evidence; I have looked at Mr. Rush's statement; I have looked at his own account of his mission, and I will have it here in a few minutes. It will supersede the necessity of any controversy between the honorable gentleman and myself.

Mr. BUTLER. I rose merely to make this explanation, and to state what I understand Mr. Calhoun, who was a member of Mr. Monroe's Cabinet, to lay down as the position then taken; which was, that Mr. Monroe did not intend, in advance, to say what he would or would not do, or what American policy might not require the American Government to do, on this or that occasion. Mr. Calhoun, on the Yucatan question, said that if Great Britain should take possession of that country, we would not be authorized, on the Monroe doctrine, to interfere.

Now, I agree with the Senator from Michigan, that if Great Britain, or any other European Power, were to make such an obvious demonstration as to show that she designed to take possession of any of these islands, with a view to arrest the progress of American institutions, or to make war upon them, that might be a practical question upon which I would give a responsible judgment. I am no further responsible for my judgment, as a public man, than I can see the real juncture of affairs upon which it might be invoked.

As to the declaration which was made by Mr. Rush, he said that a much wider declaration had been proposed to the Cabinet; that Mr. Monroe, seeing that it was too wide a declaration, and might be delusive and too general for him to maintain, took what the honorable Senator and others might regard, perhaps, as a narrower view of the subject than he should have done—but a safer, and, in my view, a wiser one. He took the actual issue before the country, and met it in a way to make it practicable. He told the European Powers, that if they undertook to restore Spanish authority, and to take possession of any portion of the American continent in such a way as to involve our interests—and I put that as the true test—if our interests were thus involved, it would be the duty of our Government to enforce the Monroe doctrine. But what will be the real occasion, I am not permitted to say; for I think it is a very unwise course to advertise to the world what we will do in this or that contingency, when it may never happen. I have no doubt that the general doctrines will be maintained, to some extent, but how far we may, or may not, by making these declarations, bring upon ourselves the very evils which we profess to try to avoid, I will not undertake to say.

If the United States should be engaged in a war for Cuba, for Honduras, or any portion of the continent worthy of our possession, I am not afraid that Great Britain will take undue advantage of her position and assail us. I have no hesitation in saying that in such a case as that, the gentleman's doctrine is all right; but my great objection has been on this occasion to our proclaiming in advance, when there certainly is not any necessity for it, doctrines which we ought to maintain, perhaps, without admonishing the world as to them.

I have gone very far beyond what I intended, and I have not been able to do justice to myself, or to the honorable Senator from Michigan, who has studied this subject. I have supposed that on some future occasion, I would go rather more fully into these topics. I have undertaken to say what was Mr. Calhoun's opinion, and I have declared to the Senate that it was the opinion of English statesmen at the time, that the Monroe doctrine applied to a definite and certain state of things; and that it was not enlarged, notwithstanding the effort to make it more general. I think, therefore, I have acquitted myself so far as to make the explanation.

Mr. HALE. Mr. President, as I introduced an amendment to this resolution, I intended at some fitting time, if it should be the pleasure of the Senate to hear me, to address myself somewhat at length to that amendment.

Mr. CASS. Will the honorable Senator allow me to read a passage from Mr. Rush's "Residence at the Court of London," to which I have alluded?

Mr. HALE. I have but little to say, and I shall soon be through.

Mr. CASS. I will wait till you have finished.

Mr. HALE. I would have waited until that fitting time had come, if direct allusion had not been made to so humble an individual as myself, both by the honorable Senator from Michigan, and the honorable Senator from South Carolina.

On the 5th of March, 1770, several citizens of Boston were shot down in State street by the British soldiery. Of course, it sent a thrill of horror and indignation throughout the entire community, and the fact was announced to a certain patriotic, warm-blooded, and impulsive old gentleman; indignation stirred his heart and mantled his countenance, and the emphatic expression which he uttered deserves to be remembered, and to be painted in letters of light upon the walls of the Senate Chamber, that we may remember it; because it seems to be a lesson that is so well practiced upon here. Said the old man: "These soldiers must be talked to." That was what he said. That was the whole of it. That was the height to which he was worked up when American citizens were slaughtered by British troops in the streets of Boston. He said these British soldiers must be talked to. Well, sir, they were talked to; but it did not amount to anything. I think this is one of our easily-besetting sins—talking, everlastingly talking. Sir, talking would do some good if, when the occasion indicated by the talking arrives, we would live up to our words. I have a word or two to say upon this.

Both the honorable Senator from Michigan and the honorable Senator from South Carolina, alluded to a remark which I made the other day, that we should back out. Sir, I trust I have as high an appreciation of American patriotism, of American bravery, and of American ability to defend her rights against Great Britain, or against the world, as any man. It was not in reference to any such contingency that I spoke; and whoever will read the debates which were entered into in the Senate upon the occasion when I made the remark, will see that it was not. It was in reference exactly to what the Senator from South Carolina denominated these "long advertisements." And I believe it is universally found to be the case, that the man who deals most in them, deals the least in action. But, sir, I have not a doubt, and never had, that on any question that affects the interest and honor of the country, where American pride, and American feeling, and American patriotism are touched, this country might bid proud defiance to the world, and that without the prefatory admonition to the world of any resolutions about what we would do.

I regret that so distinguished a parliamentarian as the honorable Senator from Michigan, should have made the long and able speech which he has made, and to which I listened with so much pleasure, without coming to the real question pending before the Senate. That question as announced by the Chair, I understood to be upon an amendment which I had the honor to propose. That amendment was not that we should tell Spain that she should not sell Cuba. Why, sir, Spain has told us that she will not sell it, and what good will it do for us to say that she shall not? Spain says she will not, and she has given the best evidence in the world that she is sincere in the determination that she will not sell it, because she has refused a pretty liberal price which we offered her for it; and I think in that she has made her act vindicate her words. She says she will not sell it. We offered her $100,000,000 for it. She says she will not take it. And now you propose to fortify your position, by announcing to the world that she shall not sell it to anybody else. The honorable Senator thinks that we ought to repeat these declarations, because the peculiar circumstances of Cuba are such, that it commands the Gulf of Mexico and the outlet of the Mississippi river; that it is in a commanding position to obstruct our commerce and navigation which goes into the Gulf of Mexico, and seeks the mouth of the Mississippi river. Well, sir, I suppose that this country is not so low, that its patriotism is not of that doubtful character, nor its bravery of that spurious kind, that will take a position before a weak nation which it will not assume before a strong one. I use the words "weak" and "strong" comparatively, because I look upon Great Britain as a much stronger nation than Spain. I ask if the local position of Canada, in any aspect in which you may view it, whether in relation to the interests of peace or war, is not a thousand fold of more consequence than Cuba?

During the exciting political canvass of 1848—I am speaking historically now—the candidate of the great Democratic party of the nation, which has now swept the country, did not go to bed a single night when he was not within the reach of British shells, which might have been fired into his dwelling from the British possessions across the river.

Mr. CASS. I slept very comfortably, though.

Mr. HALE. Yes, sir. He slept very comfortably; and I suppose there were two consoling reflections which led him to do so. One was that he was safe in all contingencies——

Mr. CASS. Of the election, and from the other.

Mr. HALE. Yes, sir, I have no doubt. Safe from an election, and from the British bomb. With these convictions, I do not wonder that he slept well.

Canada, or the British possessions in North America, extend from the Atlantic to the Pacific ocean. They border on our inland lakes, and the commerce that finds its way to the Atlantic ocean over those lakes, and through the New York canals, taking the whole of it, I think would be found equal at least to half of our foreign commerce.

Mr. SEWARD and other SENATORS. More than all of it.

Mr. HALE. The commerce of these lakes, the internal commerce that is carried on them, and through the canals, side by side with Great Britain, and liable to interruption, liable to be destroyed at any moment, exceeds, I am told by several Senators around me, to whose superior wisdom I always bow with great deference, all our foreign commerce. Now, while we are looking with such anxious eyes at Cuba; while we are speculating upon the possible and remote contingencies of how that portion of our commerce which finds its way to the Gulf of Mexico and the mouth of the Mississippi river, is to be affected by the acquisition of the Island of Cuba, I ask gentlemen that live on the northern coast—I ask those gentlemen that are liable to be waked up any night by the sound of British cannon on British shores—if it is not worth while for us to turn our attention to our northern borders, and see how the naval and military resources of Canada, in case we have a collision with the British Government, may affect the position, the safety, and the prosperity of that vast community which borders these lakes and the waters that lie between us and Canada. Would it not be as well to intimate to Great Britain that she shall not sell Canada? It may be said she has no idea of doing so. I do not know that, though. She has never been offered $100,000,000 for Canada; and it will be time enough, I think, to sit down in safety and security under the impression that she will for no consideration part with Canada when she has refused $100,000,000 for it. At least, would it not be well, while serving a notice on all the world of what we mean and what we intend, to pick out somebody who, in such an event, will be very likely to be our antagonist?

I have not time to go into the details and statistics of these measures, showing what the intimate and exact state of our commercial relations with those people is; but it is very great and vast; and I think while we are declaring to Spain what we will, and what we will not submit to, in relation to Cuba, we ought at least to look north a little. I ask the citizens of New York, of Pennsylvania, of Ohio, of Indiana, of Illinois, of Wisconsin, and of all the States bordering on the lakes——

A SENATOR. And Michigan.

Mr. HALE. Yes, sir; and Michigan. I had liked to have forgotten Michigan. [Laughter.]

I ask, is it not time to appeal to the citizens of all those States, and ask them if it is not worth while to turn a little of that watchful vigilance, which has been so freely extended South, to the North? The honorable Senator from Michigan is in favor of extension and annexation. So am I, sir; but I am in favor of having a little extension northward. It is a very remarkable fact in our history, whenever we have made a treaty relating to our northern boundary, you always cut off, and when we negotiate a treaty relative to our southern borders, we have taken on. That may be accidental. Probably it is entirely so. [Laughter.] But, sir, there is one thing that may be said of it,—it is a remarkable coincidence. Now let me come to this Monroe doctrine. Is it a good one?

Mr. CASS. Will the honorable Senator allow me now to read the paragraph to which I referred from Mr. Rush's book? He says:

"But although no joint movement took place, my dispatches had distinctly put before our Government the intentions of England; with which, in the main, our policy harmonized; and President Monroe, in his opening message to Congress, which followed almost immediately afterwards, in December, 1823, put forth the two following declarations:

"1. That it was impossible for the allied Powers to extend their political system to any part of America without endangering our peace and happiness; and 'equally impossible, therefore, that we should behold such interposition with indifference.'

"2. Whilst alluding to discussions between the United States and Russia, then commenced with a view to arranging the respective claims of the two nations on the northwest coast of America, the President also declared that 'the occasion had been judged proper for asserting, as a 'principle, in which the right and interests of the United 'States were involved, that the American continent, by the 'free and independent condition which they had assumed 'and maintained, were henceforth not to be considered as 'subjects for future colonization by any European Power.'

"The first of these declarations was probably expected by England, and was well received. Everybody saw at once that it referred to the hostile plans of the allied Powers against the late Spanish Provinces.

"The second declaration was unexpected and not acquiesced in, as accounts I am yet to give of negotiations with the British Government will make known."

That, I think, settles the question.

Mr. HALE. I was saying that it was a remarkable fact, that in all our negotiations about territory, whenever we had negotiations about territory on the North, we gave up; whenever it was about territory on the South, we took all. And I will make another remark: in this continual looking at the military aspects of these questions, why did you sell out a part of the State of Maine? What did Great Britain want with it? Did she want to colonize it? She stated she only wanted a military road; she only wanted the means of annoying this country in time of war, whenever there was a conflict between the two nations. And we, I suppose, in the exercise of that Christian meekness which becomes a Christian people, sold out our territory on this side of the St. Lawrence, to which every department of this Government was pledged that it was ours; and it was so palpably ours that we could not negotiate it away, but we sold it to Great Britian, who, at the time she bought it of us, told us she wanted it for a road between her provinces on the Atlantic and Canada. If there ever was a time to maintain the Monroe doctrine, I think that was a good one.

But that is not the whole of the history of the negotiation in reference to the North. The North is a large country, although it does not make much noise on this floor. How was it on the Oregon question? Our title to that, I suppose, nobody will deny, unless he means to deny the Polk and Monroe doctrine. Our title to that was "clear and indisputable." What did we do in that case? We gave Great Britain three hundred thousand square miles of our indisputable territory, for the very purpose of colonizing it. Now, according to the doctrines which have been proclaimed this morning, if Mexico, or any other country on earth which had possession of this country, had undertaken to sell three hundred thousand square miles of territory on this continent, and Great Britain had bought it, it would have been a cause of war on the part of the United States against the country that had bought it. We did not sell it. We are clear of that offense. We only gave it to her.

Once more in regard to the islands that lie off the coast. What did we do in regard to them? Why, we gave the British Vancouver's Island, which commands the mouth of the Oregon river. That is all we did there.

That is the history of the negotiations of this country, so far as the North is concerned; and I say now to the people of the North—to the representatives of the North—that our commerce lies infinitely more at the mercy of Great Britain today, than it would if Great Britain owned every one of the West India Islands; and I wonder why those gentlemen who are so fond of looking at our interests in contingencies that have not yet occurred, do not look at the Bahamas. I understand from those gentlemen who are conversant with the matter, that the Bahama Islands are situated in such a position as more effectually to command the commerce of the Caribbean Sea and the Gulf of Mexico than even Cuba itself; and that the course of the navigation is such as to bring the commerce that goes into and through those seas more directly within the reach of the guns of the Bahamas than of Cuba. Why did we not notify Great Britain that she shall not sell the Bahamas?

Mr. SHIELDS. Or Jamaica.

Mr. HALE. Yes, sir; Jamaica. Sir, the imagination can hardly conceive of what this country would be—what an era of internal commerce, and of progress, and of prosperity, would open upon this continent, if the Canadas, bordering the lakes upon the north, were united to this Union. Why, sir, it would lessen, in time of war, the necessity of our preparation full one half, if those lakes and that country belonged to us, instead of belonging to Great Britain.

Why not make some timely effort? Why not utter some word of warning? Why not give some notice in regard to this country, where we have a real, vital interest—where the danger is not remote and contingent, but where it is close at hand, and where we have felt it once?

In a war with Great Britain we have felt something of the evils of the contiguity of Canada to the United States. It is in this view that I want to call the attention of the Senate, and the country, and the people, to our relations with Canada as well as Cuba. Why, sir, are we going off the continent? Why are we going abroad? Why are we going to the islands of the sea, when here at our doors, in our very midst, there is a country that possesses the means of annoying us infinitely more than Cuba ever can? I will not put myself in a position by which I may be subjected to the suspicion of intimating that it is because Great Britain has more means and ability to defend her possessions than Spain has. No, sir, it must be something else.

We are not so much bully and braggart that we will presume upon the weakness of a nation, to tell her that she shall not do a thing, when we dare not tell another nation that is stronger than her, that she may not do a like thing which would injure us infinitely more.

Mr. President, the honorable Senator from Michigan says we have reached an epoch in our country. Sir, I have heard of epochs before. Let me tell him an anecdote on that subject. I happened once to be present at a small party of gentlemen in the city of Boston, and there was a very sagacious old gentleman present. It was about the time of the removal of the deposits by General Jackson. A young man was in the company, who was full of indignation at it. He denounced it as an act at war with every principle of government, and one likely to overthrow it. The old gentleman rather threw cold water upon the thing. "But, sir," said the young man, bristling up, "I consider this the very crisis of our experiment." "Why," said the old man, "I have been living in crises all my life." [Laughter.] Well, sir, that is just the way with this country. We have been living in epochs. I think we may be denominated the people of epochs. They come upon us every day and every hour. The epoch of to-day will be succeeded by the epoch of to-morrow, and one will make about as much impression as the other.

The honorable Senator has found food for some of his remarks in some comments which he has seen in a Buffalo newspaper. I do not read newspapers, and that is the reason I do not make so many visionary speeches as some people. That is the reason why my remarks are always so practical.

Mr. CASS. Powers of nature could no further go.

Mr. HALE. But, sir, there was one remark which fell from the honorable Senator which pained me. All the rest I was gratified at. He says there is no people on the globe that evinces such a want of patriotism as the people of the United States.

Mr. CASS. I beg the Senator's pardon. I said there was no country where there were so many persons, unfortunately, wanting it.

Mr. HALE. Then it amounts to this—that no country in the world has so many who evince a want of patriotism as in this country. I confess I do not see the difference between that and what I stated as the position of the honorable Senator; but he does, and I therefore will give him the full credit of it; but I think that in cooler moments, when the impulses of warm blood shall have subsided, and the reflection of maturity comes to that Senator, [laughter,] he will regret that remark, because it is an imputation on the motives of our fellow-citizens, in which I think he ought not to indulge. This is a country where freedom of opinion is tolerated to a very alarming extent, as some gentlemen think. It is a country where the freedom of opinion finds a vent in freedom of words to a very remarkable extent, as we have had an illustration to-day; and I would not be astonished, if in this country of free thought, and free speech, there should, at times, be sentiments uttered not at all accordant to the opinions of the majority as to what patriotism may require; but, sir, I think that a decent degree of candor and charity will induce all to do credit to those who differ from us; and if they do not think as we do, we may, at least, with charity, if we cannot with candor, believe, that although they do not see as we do, they are yet none the less friends of our country, true, just, and patriotic.

Both the honorable Senator from South Carolina and the honorable Senator from Michigan, have referred to a remark which I made in relation to this country backing out. I wish to say something in reference to that. Whenever the emergency does come that calls upon the people of this country to throw aside the pursuits of peace, and go out rendering themselves, it may be the victims for their country's good—whenever the defense of our firesides and our homes shall call for the true-hearted and the brave, they will be ready to go out and to die in their country's behalf. My word for it, you will not always find the most self-denying patriot amongst those who have made the loudest professions; but in the quiet retirement of life—in the shades of privacy—you will find the true hearts that have never given utterance to noisy sentiments—men who have not speculated nor acted upon the course of political events which has had so important an interest upon the destiny of their country, and therefore have not been heard to utter sentiments of what was, or what was not becoming the country—you will find from them many and many a man come forward, who will, by eloquent action, put to silence the declamation of those whose hot-headed counsels have plunged the country into what may be an unnecessary war. I think that will be the history.

Sir, I have but very little to say for myself. I do not know but that when the emergency may come, as Falstaff said, on another occasion, I shall be found to be little better than a coward; I will not say that I shall not, but I will say this, that if I should, I would be an unfit representative of the people that sent me here. The little State that I have the honor in part to represent—for a little while—although it is not large, and although its people are not wealthy, nor numerous, I believe it is generally admitted, has acted well her part in the great drama of the country's history. I believe that amongst the patriotic men that have maintained our rights in the field, or vindicated them upon the floor of the Senate, while at least the Senator from Michigan has a place in the memory of the people, New Hampshire may not be ashamed of her history. And, sir, I will tell the honorable Senator, that in all convulsions and trials of war to which the country has been subjected, I believe of the "Old Thirteen" she is the only State whose soil was never impressed by the footsteps of an

enemy, although she runs from the Atlantic ocean to Canada. It may be that the country was too poor to attack; I do not say that it was not, but I claim the fact of history. Let it go for what it is worth. I think, however, considering the character of the soil and the people, that those who would make the attempt would find it a bad bargain to undertake to invade it.

Now, I have a single word more to say—and when I say "word," I use the term in a Pickwickian sense, the sense in which it is generally used in the Senate—a meaning which I believe a distinguished friend of ours, no longer here, and whose absence I regret, gave to the term "word." I refer to the honorable Senator from Mississippi, (Mr. Foote.) I have a word to say about the destiny of the country, in reference to which so much has been said. The honorable Senator from Michigan qualified it, and said he would not speak about "manifest destiny;" but he went on to say that we do not want to be circumscribed; that we want room; that there is hardly room enough for us in this narrow space between the Atlantic on the one side and the Pacific on the other, with the Gulf of Mexico for a wash-basin. He thought these were rather circumscribed limits for such a progressive people as we are.

Sir, I dissent from those sentiments. I do not think that our progress should be in getting more territory until we have improved what we have got. And I do not think our desire should be to get more people until we have educated, and refined, and improved those whom we have already, and until we have given homes to those, all those, who are homeless, from the vast and immense territory which we now possess. We do not want any more territory; our business and our mission is at home, and it is to improve upon our advantages; it is to advance, to elevate, and ameliorate the condition of mankind. It is to show to the despots of the Old World, by the practical results which are to follow from the experiment which we are making, that the institutions under which we live are those which are most eminently calculated to advance the highest interests of man, and subserve the great purposes of social and civilized society. It is by the arts of peace, by the multiplication of the means of internal communication, by railroads and canals, by commerce, by education, by the general diffusion of information, and by all the means which are abundant, and which wealth and power give us, of doing what we can to demonstrate to the world, that so far as the great purposes of the Creator may be understood in the creation of man, and placing him on this globe to work out the great experiment of human probation, that here are embodied, and here are concentrated the most favorable circumstances for that experiment which the world has ever seen.

While I am up, let me entreat gentlemen, let me entreat Senators, to consider the position in which we are placed. I will take up the remark of the honorable Senator from Michigan, and say with him, we do live in an epoch, a most remarkable one, but it is an epoch that goes back far beyond the mere exciting interests of the day. It goes back to the time when that great principle was first enunciated, that governments were instituted among men by their consent, and for their good. That is the epoch in which we live; that is the experiment which we are trying.

Sir, the history of the world up to the time of this experiment shows, that the efforts that man had before made for the amelioration of his condition and the elevation of his character had signally failed. It is true, there were not wanting revolutions. There were not wanting times when the people, borne down by oppressions too intolerable to be endured, had risen up in the energy of despair, and thrown off the yoke of the master who oppressed them, but it was only that another tyrant might come in his place. That was the history of the world up to the time of our experiment; and it would seem, if it be not too irreverent to undertake to scan the councils of Omnipotence, that the Almighty had become tired of the successive attempts which men had made to govern themselves, to submit themselves to the mild sway of popular institutions deriving their force and their support from their own consent. But we may imagine the Genius of Liberty pleading before the throne of Omnipotence, and asking that one more experiment might be tried; and then, when the fullness of time had come, there was revealed to the eye of sense this new continent; and the pilgrims of patriotism and piety came over here, that they might lay anew the foundations of the great Temple of Liberty, and build upon its foundation a superstructure wide enough for the oppressed of all nations to enter in and be at rest.

Sir, this is the experiment which we are to try, and this is the experiment which we are to perfect. Our fathers were aware of the great trust that was committed to their hands; and when they cut loose from the country which had sent them here—sent them here, not by its fostering care, but by its oppression—they proclaimed certain great fundamental and eternal principles as the basis of their action in all time to come; and these are eloquently and forcibly embodied in the Declaration of Independence. But our fathers pledged everything they had. They pledged life, fortune, and honor to the maintenance of the principles which they then avowed and put forth.

Sir, that pledge is binding upon us. We are in the possession and enjoyment of the privileges which they obtained; and the part that we have to perform is, to see that those principles characterize our action and policy, and are carried out to a full development and perfection. That, I look upon as the mission of this country. That, I look upon as the destiny of this country, if it is true—true to its principles, and true to the purposes of a beneficent Providence, in planting us here. If we forget this; if we are led away and dazzled by the halo of military renown; if our judgments are warped by the graspings of covetousness which will never be satisfied as long as anybody else owns land contiguous to us, then—I have been accused of prophesying—it needs no prophet, it needs no other prophecy than that which the light of experience gives us, to foretell us that we shall fail, utterly fail, and we shall go the way of the republics that have preceded us. Some gentlemen think we have built our fortress so strong that it cannot be shaken; that we have established ourselves upon a foundation so strong that we cannot be moved. Sir, how old are we? Not a hundred years yet. How old was the Roman Republic when it was overthrown? I think more than six hundred years. When we have lived half that time; when the wisdom of our institutions and the character of our citizens have been tested by an experience one half as long as that to which the Roman Republic was subjected, it will be time enough for us to erect our trophies, and set up our monuments, and say that we have succeeded; that the great experiment has been tried, the great question solved, and the truth settled, that man is capable of self-government.

Mr. President, I am not one of those whose hearts are full of forebodings of evil; and the honorable Senator cannot, when I undertake to say what I believe will be the result of things, retort upon me the failure of the prophecies of disaster that occurred in regard to the war of 1812. I tell the Senator that I was but six years old at that time; and therefore whatever reproaches there may be against those that prophesied evil then, I was not one of them. However much he may think I have followed in their footsteps now, I did not begin so early as that. No, sir; my heart is not despairing. I believe that a glorious future is before this country. I believe that a high and glorious destiny awaits her. I believe that the only thing that can defeat her of the glorious destiny which lies waiting for her to grasp, is her own unfaithfulness to the principles upon which our institutions are founded. Those principles are not those of conquest; they are not those of rapine. We are not to be the knights-errant of the world, to go abroad over the continents of the earth and the islands of the sea, proclaiming the gospel of our liberty, and fulminating the penalty of our sword against those who will not be baptized into our faith. That is not our destiny; but our destiny is at home. Our destiny is on our own continent, on our own shores. It is to improve, to elevate, to advance—in what? In territory? No, sir; we have got enough of it. In military renown? No, sir; we have got enough of that. Is any man, woman, or child, within the hearing of my voice, disturbed with one single fear that we cannot maintain successfully everything which is our right, against any and all the Powers of the earth? I believe not.

I desire to call the attention of the Senate to another fact before I leave this subject, and that is the one alluded to by the honorable Senator from Florida [Mr. MALLORY] the other day. Why do you want to repeat this declaration? If you really mean what you say; if you mean that no Power of Europe shall colonize any part of the American continent, or the islands adjacent thereto, there is a fact, "a fixed fact," of which we are notified by the proclamation of the British authorities, which will put you to the test. Great Britain has—you do not want any inquiry about it—established a colony of the "Bay of Islands." If the declaration of Mr. Monroe has the broad meaning which the honorable Senator from Michigan gives to it, there is no occasion for repeating it over again. The time has come for acting; the fact has transpired; the issue is before you. Great Britain is here on the continent; she has colonized the "Bay of Islands;" she has instituted a Government there; and, sir, she has done that, not only in violation of the Monroe doctrine, but, if I understood the honorable Senator from Michigan, in violation of her solemn treaty obligations. Then, here is a case. We need not make any profession of what is right for a free and independent nation to do; for the resolution says that "it will leave us free to adopt such measures as any independent nation may justly adopt in defense of its rights and honor." If the resolution has that meaning, the case is before you—the time has come. If you mean what you have said, this is the time, not for resolution but for action; and you should satisfy yourselves with no vague declarations that you will do what an independent nation is free to do, when, if that means, what it has been contended it does mean, it has been violated, the Monroe doctrine trampled under foot, the faith of a treaty violated, and Great Britain, in the face of all this, has established a colony upon this continent.

For these reasons I am opposed to passing this joint resolution, unless you include Canada in it. If you will put that in—and, sir, I will not object if anybody else should add to the resolution an amendment notifying all the other Governments of the earth which own any islands about our continent. I do not pretend to be so good a geographer as some gentlemen. I would be willing to have it amended as broadly as that, and let it be a general notice to all the kings and potentates of the earth, that we have money enough to buy them out of this continent, and that we will not allow them to sell to anybody else. I am willing, I say, if patriotism requires such a wide margin as that, to go that far; but I am not willing to pick out Spain from all the rest, and give her the notice alone. What has Spain done? Why is she to be talked to in this manner? Is it because she has got a rich island, and we think she will not defend it with such zeal and ability as Great Britain would defend her possessions? I say, I am not willing to be invidious in making a selection of Spain, when there are so many nations around us and all about us. Spain is an old ally of ours, as old as the Revolution. She furnished us aid in that great struggle in which our liberties were secured, and from the time of the treaty of peace of 1783, down to the present time, the amicable relations which existed between this country and Spain, have never been disturbed. Why, then, turn round to our old friend? Why turn round to her who was a friend when we wanted a friend? Why speak to that nation which has faithfully performed all her treaty obligations, that nation which was the first to welcome us into the great family of nations, and lend us her treasure to aid us in the conflict, and has maintained a firm and inviolable friendship ever since? Why, at this time, begin to speak to her in this threatening, this insolent manner, this tone of superiority, and tell her that she shall not do as she pleases with her own island, when Great Britain, with whom we have crossed arms twice, who has neglected to perform her treaty stipulations with us, is situated, in reference to us, in a position that enables her to annoy us to a vastly greater degree than Spain? Sir, I am opposed to the resolution; I am decidedly opposed to it, unless it is made general; and when it is made general, if the wisdom of the Senate thinks

that it is fit and proper that the resolution should be then made, and that notice should be served on all mankind, I will go for it, with the proviso this time, that the resolution never shall be outlawed, and that we shall not be under the necessity of renewing it again; but that all nations, for all time to come, shall take notice that this is the only market in which they can dispose of their colonies. But I think the honorable Senator from Michigan—for whom I have none but the kindest feelings, and the most profound respect—will not go that far.

Mr. CASS. I will tell you when the time comes.

Mr. HALE. I think the time has come now. There is the mistake. I think we are in an epoch, [laughter,] and that if we ever mean to say it, now is the time. I will not detain the Senate any longer, except simply to ask, when the vote is taken upon my amendment, that I may have the yeas and nays.

Mr. MASON. I wish to ask the honorable Senator from Michigan, if I correctly understood him, in alluding to the conferences held by Mr. Rush with Mr. Canning, then the British Secretary of State for Foreign Affairs, to say that Mr. Rush was acting in pursuance of authority, or under the instructions of the President?

Mr. CASS. Unquestionably. He had his consultation with Mr. Canning, after he had received the declaration of Mr. Monroe, and knew the whole views of the Government. At first, as I understand Mr. Rush's book, propositions had been made, which he transmitted to the Government, or on his own responsibility he had refused to join the American Congress, proposed to be held at Panama. The views of the Government were fully conveyed to him before he had this consultation with Mr. Canning; and he states expressly that the first part of the declaration, with reference to the South American States, was well received by England, but the latter part, in reference to anti-colonization by any European power, was not well received.

Mr. MASON. Perhaps it would be as well for the Senate to allow me five minutes to put this matter right, as a matter of history, and a very interesting matter of history, connected with this declaration of Mr. Monroe. I have no design to go at length into the debate.

Mr. BADGER. To accommodate the Senator, I move that the Senate adjourn.

Mr. GWIN. I hope this subject will go over to next week. The Senator from Louisiana [Mr. SOULE] intends to address the Senate upon it.

The motion to adjourn was agreed to, and the Senate adjourned.

WEDNESDAY, *January* 19, 1853.

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution—

Mr. MASON said: Mr. President, it may become my duty, before the debate shall close, or the vote be taken on the resolution offered by the Senator from Michigan, to give my views at large upon the whole scope and tenor of that resolution. Yesterday, when the honorable Senator concluded his introductory speech upon it, I was anxious to say a few words upon one branch of the subject only, in relation to a matter which, as I conceived, had been misinterpreted by the Senator from Michigan in his remarks. I desired to do so yesterday, in order that what I might say should go out contemporaneously with the speech of that Senator; but I had not the opportunity, because of the lateness of the hour; and I trust the Senate will indulge me this morning in doing what I then desired to do.

I wish to speak alone now of that portion of the message of President Monroe of 1823, which was directed to the affairs of Spanish America, for the purpose of showing that the principle asserted in that message had not been (as I understood it to be asserted by the honorable Senator from Michigan) laid by in rust, and neglected as obsolete and forgotten; but that the principle there asserted had effected what it was intended to effect, what alone it was intended to effect; and to show that it cannot again be resuscitated by the American Government, unless the same contingency were to arise which brought it into being.

I understood the Senator from Michigan, to whose remarks I listened, as I always do, not only with pleasure, but with instruction, to be impressed in some way that the doctrines thus asserted in the message of President Monroe, with reference to Spanish American affairs, were complicated with a like movement at that time on the part of England; and that he gathered that impression from the book published by Mr. Rush, to which he referred. The message of President Monroe was his annual communication to Congress, in December, 1823. It took a general review, of course, of all the foreign relations of this country; and in speaking of the condition of the Republics, then independent, upon the continent of South America, he reviewed the existing relations between them and their parent stock; and it was in that connection, and in reference to Spanish America alone, that the principle adverted to was asserted. In March, 1822, Mr. Monroe, by a special message, had solemnly invoked the Congress of the United States to recognize the independence of certain of the South American Republics. He took the initiative in this, in advance of all the Governments of the world, and called upon Congress in the most solemn manner, declaring to them that the time had come to recognize the independence of such of those Republics as had shown themselves equal to the new positions they had assumed. It was done. Congress, during the same session of 1822, responded to the call. The House of Representatives passed a resolution approving the recommendation, and Congress made an appropriation to meet the necessary expenses of diplomatic intercourse with them. That was the first step which was taken by any Power toward the recognition of the independence of any part of South America.

At that time, as we are all well aware, the Government of Old Spain—I mean the legitimate Government of Spain—was held in a sort of pupilage by the *Cortes*, which had prescribed a constitutional government for the King. When the act of the American Government, recognizing the independence of the South American States, which had previously been colonies of Spain, came to them, it first opened the eyes of Spain to the fact that its American colonies were in truth dismembered. There is a very interesting history of this subject given by Mr. Rush, who, at that time, was Minister of the United States in England. I wish to refer to it, first, to show that the American Government proceeded alone in everything that it did relative to the affairs of Spanish America; and secondly, that what the American Government then did was directed to Spanish America alone, to the exclusion of any other matter connected with our foreign relations. What is Mr. Rush's account? He says that, having occasion, in August, 1823, to ask an interview with the British Minister for Foreign Affairs, (then Mr. George Canning,) after the object of the interview had been disposed of, (one which was totally foreign to the affairs of South America,) he "*transiently*" asked Mr. Canning, as Mr. Rush expressed it, about the recent news from Spain. His inquiry of Mr. Canning was in these words, as stated in his book: "The proper object of it [the conference] over, I transiently asked him whether, 'notwithstanding the late news from Spain, we 'might not still hope that the Spaniards would get 'the better of their difficulties?'" The question was thus transiently put upon a subject totally foreign to that which had brought them together. Mr. Canning gave him the information, and it led to a further conversation, in the course of which Mr. Canning inquired of Mr. Rush if the proper time had not arrived, in his opinion, for the two Governments of England and the United States to make a concerted declaration upon the affairs of Spanish America? This inquiry of Mr. Canning, as given by Mr. Rush, was as follows: "Whether the 'United States would join England in a concerted 'declaration against the intervention of the Holy 'Alliance in the affairs of South America."

In tracing this subject further, I have found the English account of this interview, given in a very interesting work published by a gentleman who, I understand, was the Secretary of Mr. Canning—Mr. Stapleton—who wrote "The Political Life of Canning." He states that—

"Towards the latter end of August, 1823, Mr. Canning sounded Mr. Rush, the then Minister of the United States in this country, as to whether, in his opinion, the moment were not arrived when the two Governments of Great Britain and the United States might not come to some understanding with each other on the subject of the Spanish-American colonies; and whether, if they could arrive at such understanding, it would not be expedient for themselves, and beneficial for the world, that the principles of it should be clearly settled and plainly avowed."

That was the first movement which brought the Ministers of the two Powers together, and at the instance of Mr. Canning, who originated it. The latter met Mr. Canning with the declaration that he had no power, having no instructions from his Government on that subject, but that it was a matter of very great interest, and one that he knew his Government felt deeply concerned in; and waiving the proposition of Mr. Canning, he availed himself of the occasion to press upon Mr. Canning, what England so far had not done, that she should follow the example of the United States, by recognizing the independence of those Republics. The result was, that, after several days of informal discussion and the exchange of notes, Mr. Rush consented, though without authority from his Government, to make such a concerted declaration with England, *provided* England, as a *preliminary*, would recognize their independence.

In what position did England stand? In a very difficult and a very delicate one. It was then well known that Spain was using every means to induce her allies upon the continent to unite with her in resubjugating her revolted colonies in America, and it was equally well known that England was averse to it. It was well known that, beside grave political considerations, large commercial relations had grown up between England and those Republics, which forbade the assent of England to any such intervention.

England felt herself in this position: If her continental allies yielded to the invitation of Spain, and united with her to resubjugate the colonies, it would involve England inevitably in a war with those allies; and thus, though England was stimulated by her subjects to recognize the independence of the South American States, the Government was deterred, and hesitated, because it might drive her into a war with the whole continent of Europe; and this recognition Mr. Rush had made a condition precedent to any action on his part toward the concerted declaration. Eventually the subject was dropped between them, on the ground, as set forth by Mr. Canning, that Mr. Rush had no powers. So much is due to the history of that occasion, to show that the United States as a Government never invited the coöperation of England in the matter; that when the proposal was assented to in the modified form admitted by Mr. Rush, it was assumed by him as his act, and without authority from his Government, and that it was never subsequently confirmed by his Government. He, as a matter of course, communicated to his Government immediately and fully all that took place; and in one of his letters, from which I quote an extract, he told the Secretary of State this:

"Should the issue of things be different, and events, notwithstanding, arise threatening the peace of the United States, or otherwise seriously to affect their interest in any way, in *consequence of such a declaration by me*, it would still remain for the wisdom of my Government to disavow my conduct, as it would manifestly have been without its previous warrant."

Now, I think I have shown, in the first place, that the true line of American policy of avoiding foreign alliances was not departed from in that instance; and, secondly, that the Government of the United States not only preceded England, but preceded all other Powers in recognizing first, and alone, the independence of the South American colonies. These propositions I may assume to be established.

I come now to the question, to what issue was this declaration of Mr. Monroe directed? With a very limited knowledge of the practices of Governments in their relations towards each other, but with some knowledge of human affairs and human conduct in the relations of the world, I apprehend that no principle can be more important to be maintained than that declarations made, or positions assumed by the Powers of the world to regulate and define their intercourse with each other should not be extended by loose interpretation beyond their legitimate scope and meaning. What, then, was the state of things to which this declaration by Mr.

Monroe was directed? Why it was this, and this alone: It was the imminently-threatened intervention of the allied Powers of Europe to enforce on the continent of America, in the affairs of Spain and her colonies, their continental system—"legitimacy." It was directed to that, and confined to that, as I think I can show by a very few historical references.

Was that intervention threatened? The first piece of evidence I shall advert to on that point, is a declaration made by Mr. Brougham, in the House of Commons, in 1824, referring to the position of this Spanish question in the preceding year, as follows:

"Mr. Brougham then proceeded to state, as an indisputable fact, that 'Ferdinand had been promised by the Emperor Alexander, that if the King of Spain would throw off the *constitutional fetters* by which he was trammeled, he would assist him in recovering his transatlantic dominions.'"

At that time Louis XVIII. had been restored to the Throne of France by the allied Powers. Ferdinand of Spain, of the same family of Bourbons, was upon his Throne it was true; but he was fettered by the constitutional Cortes, who had attempted to engraft upon the Spanish monarchy the free institutions of a representative government. The King of France had marched one hundred thousand men into Spain to set him free. The King of Spain was calling upon his allies to come to his aid. Conferences were going on; notes were being constantly exchanged, as the diplomatic history of the times shows, between the Spanish Embassador at Paris and the Embassadors of the other European Powers at that Court; the great end and object of which was to bring about a Congress of the allied Powers, to take into consideration the condition of the Spanish Throne, and to restore its legitimate rule both at home and in Spanish America. Mr. Brougham says that this had been promised by the Emperor Alexander, upon condition that the King of Spain would free himself from the constitutional government at home. Mr. Canning told Mr. Rush, as the latter reports, in the course of the conversations which took place between them on the subject to which I have alluded, that "he had received 'notice of measures being in projection by the 'Powers of Europe relative to the affairs of Spanish America, as soon as the French succeeded 'in their military movement against Spain."

England knew perfectly well that the occasion was imminent. There was every reason to believe that the allied Powers of Europe would rally around Spain, for the purpose of resubjugating her colonies. England knew, not only that she could not unite with them, but that she must resist them; and whenever that resistance was made, she would be involved in a war with the whole continent of Europe.

This state of things led to the invitation which Mr. Canning gave to Mr. Rush. The latter assented to it, but upon terms which England was not at once prepared to adopt—a previous recognition of the independence of the Republics—and the whole matter was then, as a matter of course, communicated by Mr. Rush to his Government.

It must be remembered that the interview spoken of by Mr. Rush, took place in August, 1823. In December, 1823, President Monroe made his annual communication to Congress, which contained the famous protest which has been so often quoted. What was the protest? We shall find, on looking back to it, that it was made in the most circumspect and guarded manner, and confined to a single purpose. Every word seems to have been weighed, and its expressions sedulously guarded. Here is his language:

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempts on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety."

"To extend their system to any portion of this hemisphere." What system? Why, the system by which those Powers of Continental Europe had been banded together—the system which recognized none but a legitimate throne, and which bound the sovereigns to each other to protect each in his throne, because it was legitimate. That is the system, as I shall have occasion presently more fully to develop, against which Mr. Monroe protested. Again, in a further paragraph, the message proceeds:

"With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

He then went on to speak of our policy in regard to Europe. It was one of disconnection and alienation. He referred to the system of the allied Powers on the continent of Europe, and concludes as follows:

"But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord.

"It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

As I read this matter, the true history of the occasion was this: There was imminent reason to believe that the Powers of Continental Europe would come to the aid of Spain to resubjugate her colonies in South America, then independent, and admitted to be so by the United States. England, conscious that when the time came, a necessity would be imposed upon her to interpose, had not yet interposed. The United States had acknowledged the independence of the South American Governments, in 1822; England had not yet done so in August, 1823, when the conversation from which I have read took place between Mr. Rush and Mr. Canning; and when Mr. Rush pressed it upon England as a preliminary to the proposed union, that England should recognize their independence, the matter was waived on the part of the British Secretary, and the whole affair was communicated to the Government of the United States by our Minister.

What followed? The Government of the United States took that step *singly*, which it had been proposed on the part of the British Government that the two Governments should take *jointly*. It was a declaration made against the purpose, on the part of the allied Powers, to bring their "*political system*" to this continent. It was narrowed and confined to that, and that alone. Did it have its effect? I will tell you what followed.

In December, 1823, as I find in looking at the political history of the day, a formal request was made by the Government of Spain to certain of the allied Powers, to carry into execution that purpose against which the protest of Mr. Monroe was directed—a request to those Powers that they would aid Spain in reëstablishing her *legitimate* authority over the revolted colonies of Spanish America. Here it is. It is a letter from the Prime Minister of the King of Spain to his Majesty's Ministers at Paris, St. Petersburgh, and Vienna, dated December 26, 1823, in these words:

"His Majesty, confiding in the sentiments of his allies, hopes that they will assist him in accomplishing the worthy object of *upholding the principles* of ORDER and LEGITIMACY, the subversion of which, once commenced in America, would presently communicate to Europe; and that they will aid him, at the same time, in reëstablishing peace between this division of the globe and its colonies."

The invitation was based upon a mutual recognition by those sovereigns of a concerted duty to acknowledge no Governments but such as were based on hereditary and legitimate descent. So far, the obligations of this alliance had been confined to the continent of Europe. With its operation there Mr. Monroe disclaimed all purpose of interference, but protested against its extension to either continent of America, as "the manifestation of an unfriendly disposition towards the United States," and "dangerous to our peace and safety."

That message effected its object. It averted the threatened interposition; and in proof of it we have, first, the broad fact that they never did interpose, that the invitation of Spain was declined. The allied Powers never came to her aid. We have, secondly, the high testimony borne to the fact by Mr. Brougham in the British House of Commons in the succeeding year, (1824,) when he used this language:

"The question with regard to South America," said Mr. Brougham, "was now, he believed, disposed of, or nearly so; for an event had recently happened, than which no event had ever dispersed greater joy, exultation, and gratitude over all the free men of Europe: that event, which was decisive on the subject, was the language held with respect to Spanish America in the speech, or message of the President of the United States to Congress."

I shall not detain the Senate longer. All that I desired to do was to show, first, that there was nothing to be found in the history of this occasion showing any departure from the established policy of this Government to refrain from all foreign alliances whatever; secondly, that the declaration of Mr. Monroe was guarded in its terms, and was designedly confined to the occasion then existing—the apprehension that the Powers of Europe would endeavor to establish their "continental system" upon the continent of America.

I had a further object: to call upon the Senate and the country to prevent injustice to the memory of the great departed statesman whose act it was—to disclaim extending his language beyond its true import and its true meaning. You may establish a principle, if you please, that European Powers shall not be permitted to do this, that, or the other, on this continent; but establish it as your own principle, and not as Mr. Monroe's. The act of Mr. Monroe was confined to a single object: the prevention of the intervention of the allied Powers of Europe to restore the colonial possessions of Spain on this continent, because their revolt was in violation of their established dogma of the legitimacy of Kings.

There can be no doubt that if the United States had not, by the message of Mr. Monroe, in December, 1823, made such a declaration, England would have been driven to do from necessity what the United States had done from choice. The people of England would never have permitted their Government to stand by indifferently and see the continental policy established between Spain and her colonies on the continent of America. But the fact remains, that the United States went into it alone and in advance.

The invitation of the 26th of December, 1823, given by the Spanish Minister to the various European Powers to come to the rescue of Spain, was of course made known to England, though the invitation was not addressed to her. It was understood that there was to be this meeting of the allied Powers upon the continent of Europe, to which England was not invited; but when it came to her knowledge, Mr. Canning immediately gave them to understand that such an act on the part of the allied Powers would be instantly followed by a recognition of the independence of South America on the part of England.

All that I have wished to attain on this subject is to show that the doctrines of Mr. Monroe, adverted to by the honorable Senator from Michigan, and embraced in his resolution, was confined to a single issue, and that issue was the intervention of the allied Powers of Europe between Spain and her colonies, in order to establish their continental system; and to insist, as I do insist, that, taking it as the doctrine of Mr. Monroe, we cannot extend it one hair's breadth beyond that. We may establish a new doctrine if we please, but that will not be the Monroe doctrine.

In the same message of 1823, Mr. Monroe declared, as an additional policy by this Government, that the American continents were not, thereafter, to be considered as fit subjects for European colonization. I do not mean to go into that now. It is true that enunciation was made in the same message of 1823, but it was connected with a different matter, and asserted in a different manner. I do not mean to go into that now, though I shall probably have occasion to do so some time before the debate closes.

Mr. CASS. I shall detain the Senate but a very short time. As Mr. Polk said, for a quarter of a century down to his day—and that is now some years since—the doctrine of Mr. Monroe had been distinctly understood by the American people, I thought it was a historical fact which had never been doubted, as far as I recollect, that Mr. Monroe protested against the recolonization of any portion of the American continents by any of the European Powers. They expressly excluded the idea of interfering with existing rights; but he protested forever afterwards against the recoloni-

zation of any portion of the North or South American continents. Every man, so far as I recollect, has understood it so. Mr. Polk distinctly understood it so. So did Mr. Canning and Mr. Rush, as the paragraph which I read yesterday from Mr. Rush's book shows.

I have not a word to say with respect to the history of the time given by the honorable Senator from Virginia. I agree to it all. I have no doubt whatever that the existing condition of South America directed the eyes of our country to it. His whole narrative of the matter is correct. I give Mr. Rush great credit for the whole course of his negotiations, and the administration of Mr. Monroe greater credit; because they, notwithstanding the boast Mr. Canning made before the world that it was he that called these States into existence or recognized them, recognized their independence before him.

But allow me to say that that portion of the message of Mr. Monroe which the honorable gentleman read, applies to all time hereafter. Its reasonings are capable of general and universal application. The doctrine laid down is, that the American continents have interests of their own distinct from Europe; and Mr. Monroe's object was, in that existing state of things, to sweep the allied Powers from this continent; to prevent them from taking possession of any of the American States. Everybody knows that if we were to allow recolonization, we would prefer that these colonies should be held by Spain, rather than by England. What, then, would Mr. Monroe have gained by his declaration, if it was to be restricted to what some gentlemen seem to think it was restricted? What would he have gained by simply saying: "We protest against these colonies being recolonized by Spain?"

It will be recollected that it ran through England, and it was announced on this floor, that the extent of Mr. Monroe's declaration was to sweep all the colonies on this continent out of existence. But it was not so. Mr. Monroe expressly reserved the rights of the existing colonies. In his message, he merely referred to South America, to the precise state of things existing, and to no other. There was no object in putting in a reservation.

I agree with the honorable Senator from Virginia in his estimate of Mr. Monroe. I consider him one of the best and wisest statesmen we ever had. He was exceedingly guarded and cautious in his language. I had the honor of knowing him personally; and the panegyric of the Senator from Virginia is one that he well deserves. His character ought to stand, as it does stand, high in the estimation of his countrymen. He was not only guarded and cautious, but, when the interests of his country required it, he took a firm and decided stand.

The declaration which the Senator has just read is this in substance: We owe it to those Powers to declare that they shall not extend their system to this continent, because we have peculiar interests of our own, distinct from European interests. We had then, we have now, and we shall have through all time; and every reason applying to that state of things applies with as much force to any future state of things, in which there may be attempts made to recolonize any portion of America. In the same message, as the honorable gentleman has said, the doctrine for which I contend was laid down still more distinctly. To be sure, the occasion for it was different; it was in reference to some controversy with the Russians, who wanted to extend their dominions on the western coast of America down as far as a portion of California, and even including that. Referring to that, President Monroe made a broad general declaration, which went out to the world in his annual message to the American Congress, stating distinctly what was the position of this Government. He said:

"In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power."

It is utterly impossible for words to make the proposition plainer than it is here announced; and the whole world, from that day to this, has understood that language precisely as I have explained it. That was the distinct understanding both of Mr. Rush and of the English Government; and, in fact, the whole world understood it so. Let me, upon this point, read again the extract which I read yesterday, from Mr. Rush's book. Mr. Rush, in his account of his conversation with Mr. Canning, says:

"But although no joint movement took place, my dispatches had distinctly put before our Government the intentions of England; with which, in the main, our policy harmonized; and President Monroe, in his opening message to Congress, which followed almost immediately afterwards, in December, 1823, put forth the two following declarations:

"1. That it was impossible for the allied Powers to extend their political system to any part of America without endangering our peace and happiness; and 'equally impossible, therefore, that we should behold such interposition with indifference."

That is the first proposition. And here let me say, that the honorable Senator is perfectly right in his whole history of the controversy, the difficulties that led to it, and the ground taken by the American Government. But what else does Mr. Rush say? What is the second proposition to which he alluded? It is:

"2. Whilst alluding to discussions between the United States and Russia, then commenced with a view to arranging the respective claims of the two nations on the northwest coast of America, the President also declared that 'the occasion had been judged proper for asserting, as 'a principle in which the right and interests of the United 'States were involved, that the American continents, by 'the free and independent condition which they had 'assumed and maintained, were henceforth not to be consid-'ered as subjects for future colonization by any European 'Power.'"

What said Mr. Canning and the British Government to that? "The first of these declarations," (as to the intervention of the allied Powers of the American States,) "was," says Mr. Rush, "probably expected by England, and was well 'received. Everybody saw at once that it refer-'red to the hostile plans of the allied Powers 'against the late Spanish Provinces;" which it undoubtedly did, although its general reasoning applied to all time to come, and to all similar circumstances. But with respect to the second declaration, in which the general doctrine of anti-colonization was laid down, Mr. Rush says, it "was unexpected, and not acquiesced in, as ac-'counts I am yet to give of negotiations with the 'British Government will make known." This is precisely what I said yesterday. I had no idea of renewing the subject. My only intention was to put myself right; and having done that, I yield the floor.

Mr. SOULE. It was by the consent of the honorable Senator from California, that this debate went on yesterday, and was resumed to-day; and it was with the understanding that it should not interfere with the bill which he was pressing upon the consideration of the Senate for the construction of a railroad to the Pacific ocean. As he is very anxious that the Senate should restore to him its attention upon that bill, and as I am unwilling at present to divert it from that object, and as I am desirous, however, to secure the floor, I will move that the further consideration of this joint resolution be postponed until Tuesday next.

Mr. DIXON. Will the gentleman allow me to occupy the floor for a moment?

Mr. SOULE. I withdraw the motion for the present.

Mr. DIXON. Mr. President, I have not risen to enter at large into this discussion, but to give notice to the Senate that I shall, at the proper time, move to refer the joint resolution offered by the distinguished Senator from Michigan, [Mr. CASS,] and also the amendment offered by the able Senator from New Hampshire, [Mr. HALE,] to the Committee on Foreign Relations, with the following instructions:

First. That the said committee be instructed to examine the treaty concluded at Washington, on the 4th day of July, 1850, between Her Majesty the Queen of Great Britain, by her Minister Plenipotentiary, Sir Henry L. Bulwer, and the Government of the United States, by John M. Clayton, Secretary of State; and ascertain whether the Government of Great Britain, since the ratification of said treaty, has violated any of the provisions thereof, by the establishment of any colonial government, the construction of fortifications in Central America, or otherwise; and that they report the facts in connection therewith; and if, in their opinion, there has been any violation of said treaty, that they make further report, by resolution, of such measures as they may deem necessary to enforce a faithful observance of the stipulations of said treaty, and preserve the honor and interest of the country.

Second. That said committee inquire and report whether or not the establishment in the Bay of Honduras, by the Government of Great Britain, of the colony called "The Bay of Islands," is or is not a violation of the provisions of the said treaty, or of the doctrines of Mr. Monroe, as proclaimed in his message of the second of December, 1823, on the establishment of colonies on this continent by European Powers; and if it shall appear that the rights of the United States have been invaded, by either a disregard of the provisions of the said treaty, or of the doctrines proclaimed by Mr. Monroe in his message aforesaid, that they report the facts to the Senate, together with such measures as, in their judgment, may be deemed necessary to vindicate the honor of the country.

Third. That said committee inquire whether the seizure by the French Government of the peninsula of Samaná, in the Republic of Dominica, is or is not a violation of the same great principle proclaimed, as aforesaid, in the message of Mr. Monroe, and if so, what action is necessary on the part of this Government to protect itself against such encroachments on its rights.

If I were disposed, Mr. President, to take part in this discussion, such is the feeble condition of my health that I would not even dare to attempt it. I am anxious, however, that this debate shall have some point upon which it is to turn. I have listened with a great deal of pleasure to the very able discussion which has been going on here during the last ten days upon the various propositions which have been presented, not in the form of resolutions, but in the form of debate. Senators seem to think this Government has suffered under the construction given to the Bulwer and Clayton treaty, and which was the subject of discussion a short time since, and which treaty is alluded to in one of the instructions I have drawn up. But upon this question it is not my purpose to give any opinion; for, not having been a member of the Senate when that treaty was confirmed, of course I have no explanations to give of what the Senate's understanding was upon the question of whether British Honduras and its dependencies were intended to be excluded from its provisions or not.

But Senators seem to think, and indeed openly declare, that that treaty has been violated by the Government of Great Britain, by the establishment in the Bay of Honduras of the colony called "The Bay of Islands." If that be true, it is right that this Government should act upon it. If that treaty has been violated, it is proper that the Senate should know it. If this country has been outraged by the disregard of the principles contained in that treaty, it is useless for us to be talking and exhausting the time of the Senate in idle speculation of what may or may not be the future policy of European nations, in regard to the purchasing of Cuba, or the establishment of colonies on the continent, or what may be necessary for this Government to do, on the happening of such contingencies, should they ever happen. But rather the inquiry should be, whether the treaty had been violated, and if so, whether this country will fold its arms and tamely submit to such violation. Should the committee, Mr. President, find that the provisions of the Clayton and Bulwer treaty have been violated by the British Government, or that the principles as proclaimed by Mr. Monroe have been disregarded by the Government of Great Britain or of France, in the establishment by the one of the colony of "The Bay of Islands," in the Bay of Honduras, or the seizure by the other of the peninsula of Samaná, in the Republic of Dominica, the known experience and ability of the Senators who compose that committee will afford a sufficient guarantee to the whole country, that whatever measures they may propose will be dictated by prudence, and the exercise of a sound and patriotic judgment. For myself, although I should deprecate a war with England or with France as one of the greatest calamities that could befall this nation, yet I would rather see my country subjected to such a calamity, than dishonored by quietly submitting to a wanton violation by any country, however powerful she may be, either upon the land or upon the sea, of a stipulation solemnly entered into, involving not only her rights, but her honor also. For, without, Mr. President, being a filibuster or a propagandist, in any sense of the word, I am for maintaining the principles upon which this Government has hitherto acted; of asking from other nations nothing but what is right, and submitting to nothing that is wrong.

I understood from the very distinguished Senator from Louisiana, [Mr. DOWNS,] in his remarks the other day, that he was of the opinion that the treaty had been violated. If that is not his opinion, what is the meaning of these remarks which he made, and which I will now read to the Senate?

"While we are on this subject—for it is an interesting one, and I think everything in regard to it ought to be understood—I would like the honorable Senators from Maryland [Mr. PEARCE] and New York, [Mr. SEWARD,] who have looked so closely into it, and talked so much about British rights, to explain what they mean by those British rights. Do they mean that England retains after this treaty, or had before, the right not merely to cut wood in Honduras, but to colonize it, as they have now, in a proclamation, declared their intention to do? That is the real question. We assume that, by the treaty, it has renounced that right. The late President of the United States seems to have entertained that view when the treaty was submitted to the Senate; and I would like to know now if the gentlemen still think that, under the stipulations of that treaty, they have that right?"

I understand, also, that the distinguished Senator from Illinois [Mr. SHIELDS] asserted it as a clear proposition that the treaty had been violated; for he said:

"Whether you give to this treaty the meaning put upon it by the negotiators, their own private understanding, or whether you give it the meaning that the language imports, the treaty has been violated by the seizure of these islands. So far as Balize, or what is termed British Honduras, is concerned, I am not disposed to enter into that question now, and for this reason: I think it might be impolitic for us at this time to construe the treaty in relation to it, as I apprehend, in doing so, it might embarrass our friends hereafter."

In the same speech, that honorable Senator said further:

"I merely rose, not to enter into this doubtful question, but to show that no matter how this point is argued, the seizure of the islands is a violation of the Clayton and Bulwer treaty, and this has nothing to do with any pretension, or any right, or any pretense, which Great Britain claims to the possession called Balize, or British Honduras."

I understood the very distinguished Senator from Michigan, in the same debate, to concur fully in the opinions which had been expressed and given out to the Senate by the Senators to whom I have just alluded, that this treaty had been violated; for he said, speaking of the action of the British Government:

"I do know now, that, in the very face of this treaty, she, in July last, went on to establish a colony called the 'Bay of Islands.'"

Of course the honorable Senator meant to be understood, when he used the language, "in the very face of this treaty," that the treaty had been violated by the establishment by the British Government of the Bay of Islands; and if this was not his meaning, what was it?

Mr. SHIELDS. Will the honorable Senator permit me to make one suggestion? It is clearly my opinion that the authorities at the Balize who have erected these islands into a colony have done so in violation of the treaty. But we have no official or authentic information on that subject. There is another point in the case: The act of those authorities may be disavowed by the British Government; and my opinion is, it will be disavowed, if the point is made by our Government. Consequently, I think there may be, perhaps, some impetus necessary in regard to our action. My opinion is, if the British Government recognizes the act of its officers in the Balize, it is a violation of the treaty.

Mr. DIXON. I fully concur, Mr. President, in the view taken by the Senator from Illinois, [Mr. SHIELDS.] The British Government may disavow the act, but it has not yet done so. The Senator from Illinois has expressed it as his opinion that the treaty has been violated; and the Senator from Louisiana [Mr. DOWNS] has expressed his opinion that the treaty has been violated; and the honorable Senator from Michigan [Mr. CASS] has also expressed the same opinion. Now, then, as we have no information in regard to the violation of that treaty from the President of the United States, it is proper that a reference of this whole subject should be made to the Committee on Foreign Relations, that they may inquire into the whole matter, and report to the Senate whether or not, in their opinion, the treaty has been violated; and, if in their judgment, it has been, that they may also report the measures proper to be adopted by this Government with a view to vindicate its honor and sustain the principles of that treaty inviolate. That, sir, is proper and right, and I have risen, as I said before, not with a view to enter into any discussion of this subject, but merely to give notice to the Senate that I shall, at the proper time, move that the resolution of the Senator from Michigan, together with the amendment of the Senator from New Hampshire, be referred to the Committee on Foreign Relations, with the instructions which have been read to the Senate.

Mr. SOULE. I now renew the motion, Mr. President, if it be the pleasure of the Senate, that the further consideration of this subject be postponed until Tuesday next, at which time I wish to avail myself of the indulgence of the Senate, to make some remarks upon the question.

The motion was agreed to.

AFFAIRS OF NEW MEXICO.

SPEECH OF MR. WEIGHTMAN,

OF NEW MEXICO,

IN THE HOUSE OF REPRESENTATIVES,

January 10, 1853,

In the Committee of the Whole on the state of the Union, in regard to the censure conveyed by the Report of the Secretary of War upon the People of New Mexico.

Mr. WEIGHTMAN said:

No one, Mr. Chairman, can regret more than I do that New Mexico has not an abler advocate than myself upon this floor. I regret that her Delegate is not a man experienced in parliamentary debate, and gifted with eloquence. New Mexico needs, but has not, such a man for her champion. Of this, no one is more sensible than myself. A plain story, plainly told, is all that I can offer. I feel that a duty devolves upon me, and I shrink not from its performance.

In the President's message which was read on the first day of the session, occurs the following passage. After speaking of the invitation which France and England tendered to the United States to enter into a tripartite convention, in virtue of which the three Powers should severally and collectively, now and for the future, disclaim all intentions to obtain possession of the Island of Cuba, and his refusal to enter into such a convention because he thought the proposed measure of doubtful constitutionality, impolitic and unavailing, the President proceeds:

"I have, however, in common with several of my predecessors, directed the Ministers of France and England to be assured that the United States entertain no designs against Cuba; but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

"Were this island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But, under existing circumstances, I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect in a prejudicial manner the industrial interests of the South; and it might revive those conflicts of opinion between the different sections of the country, which lately shook the Union to its center, and which have been so happily compromised."

On the same day on which was read the message, and soon after its reading, I obtained the floor and made the proposition that five thousand copies of the message should be printed in the Spanish language. In my remarks in support of that proposition, I took occasion to express my dissent from the view of the President, that differences of race, or differences of language, or any other sort of differences, were detrimental to us as a people. I urged that diverseness was the centrifugal force in our Government which maintained the rights and authority of the States, and homogeneousness, which the President deemed so desirable, was the centripetal force which tended towards consolidation, and I then repudiated for myself the idea that this Government is capable of making happy but one race of people.

I did not then, hearing the message for the first time read by the Clerk of the House, perceive the covert fling at "different races speaking different languages."

When, by reading the message, I did perceive that fling, whose meaning has since become so pointed, I intended no speech on that account. I reflected, that there sits in the Cabinet of the President an honorable gentleman, a citizen of Louisiana, whose people are of "a different race speaking a different language," and while he was silent, well might I be. This gentleman has been honored by the people of his district with a seat in this body. They confided to him the care of their interests, and the protection of their honor. The people of Louisiana, in their sovereign capacity as a State, honored him with a seat in the Senate. They confided to him the maintenance of the dignity of that State, and the protection of its honor. If he could retain his seat in the Cabinet of a President, who would not on his demand expunge a passage disrespectful, if not insulting to the "different race speaking a different language," who had honored him with their confidence, I might hold my peace.

A day or two afterwards, we read in the papers the official report of the honorable gentleman to whom I have alluded, the Secretary of War. From this report I read an extract:

"What policy, however, it may be deemed proper to adopt in reference to the Indian tribes of Texas, California, and Oregon, is a question only of humanity or of temporary policy, as a period cannot be very remote when they will be swept before the resistless tide of emigration, which continually flows towards those countries.

"The case is different with regard to New Mexico. That Territory is so remote and inaccessible, and holds out so little inducement to emigration, that the struggle between the two races is destined, in all probability, to continue there long after it shall have ceased in every portion of the continent.

"By the last census, the total population of New Mexico, exclusive of wild Indians, is (in round numbers) sixty-one thousand souls; and its whole real estate is estimated at (in round numbers) $2,700,000.

"To protect this small population, we are compelled to maintain a large military force, at an annual expense nearly equal to one half the value of the whole real estate of the Territory. Would it not be better to induce the inhabitants to abandon a country which seems hardly fit for the habitation of civilized man, by remunerating them for their property in money, or in lands situated in more favored regions? Even if the Government paid for the property quintuple its value, it would still, merely on the score of economy, be largely the gainer by the transaction, and the troops now stationed in New Mexico would be available for the protection of other portions of our own, and the Mexican territory."

When the portion of the documents accompanying the message I have just read came to my knowledge, I determined that it was my duty to make a speech. The substantial interests of my constituents, indeed their very identity, was involved in this executive recommendation.

Though there was food for indignation in this proposition, that feeling was swallowed up in the ridicule and contempt with which it has been received in all quarters and from all parties. Indignation merged in the ridiculous. I say, however, there was food for indignation in this recommendation. If it could be carried out, what a spectacle should we see!

Passing by the preparation for departure, with the tears of bitterness and sobs that rend the heart, let us be witnesses of the exodus of the people of New Mexico. Behold the multitude! The rich, in their carriages; others in wagons and carts. See the domestic animals—the flocks and herds, the sheep and goats. The shepherd dogs are there, leading and protecting their charge. But the poor—let me direct your attention to the poor. The patient ass bears his part in the mournful procession. On this patient beast are laden the aged poor—the gray-haired widow and the man bowed with years; the mother, with child in arms, the sick, the lame, the halt, and the blind. No one in all that multitude has forgotten to bring with him his crucifix and his rosary, or his images, remembrancers of the Saviour, the Virgin, and the saints. Few are without some memento of their homes—mayhap a fragment of the cross which stands in the *Campo Santo*, where lie buried their fathers for two hundred years.

While this vast multitude pause on an eminence, to take a last lingering look at the land they are to behold no more forever, what is it we see? The uniform of the American army! There are the dragoons, their sabers flashing in the rays of the setting sun; the serried infantry, with their bristling bayonets; the artillery troops, with their terrible batteries. All are gallant men, who have covered themselves and their country with glory in *honorable* war. Who commands the army of the exodus? There is no Haynau in *our* army.

But were there to be an exodus, it would not be in *this* direction, Mr. Chairman. The people of New Mexico would flee from our limits, carefully shaking the dust from their feet, as they crossed the boundary. But I am aware that it is not necessary to lay much stress upon this matter. Indignation has been merged in the ridicule with which this proposition has been received in all sections and by all parties.

As I have said, I intended, when I became possessed of the contents of the report of the Secretary of War, to make a speech. I intended, in that speech, to display the folly of a Louisiana statesman, in recommending the depopulation of the best line for a railroad to connect the Mississippi with the Pacific, which, in my judgment, we have within our limits. I mean from the head of steamboat navigation, on the Red river, whose mouth is in Louisiana, in the direction of El Paso del Norte, to California. I intended to display the folly of a Secretary of War, in thwarting the construction of a railroad, which, on the line he proposes to yield to savage enemies, more effectually than many armies, would prevent the inroads of our Indians upon our neighbor, Mexico.

Before I could obtain the floor to submit the remarks I proposed, the second part of the documents accompanying the message of the President was laid upon our desks.

Amongst those transmitted from the Department of War, and coming from the ninth military department, which includes New Mexico, I find a letter, which I ask the indulgence of having read at the Clerk's desk:

NEW MEXICO, SANTA FE, *May* 27, 1852.

SIR: It may be well to premise that I consider it certain that some radical change must and will be made, in the government of this Territory, sooner or later; that the people of the United States will not consent to bear this heavy burden, endlessly, without receiving the slightest return, and without even the possibility of bettering the condition of this people. It would, therefore, seem to be a question only as to time.

I would respectfully submit the following project:

Place the Territory in the same relation to the Government of the United States that it held towards the Mexican Government before the war.

Withdraw all the troops and civil officers, and let the people elect their own civil officers, and conduct their Government in their own way, under the general supervision of our Government. It would probably assume a similar form to the one we found here in 1846, viz: a civil government, but under the entire control of the Governor. This change would be highly gratifying to this people, and I believe they would cheerfully pledge themselves never to ask for any further aid from the United States than the same appropriations that were granted to the other Territories. There would be a pronunciamiento every month or two, but these would be of no consequence, as they are very harmless when confined to Mexicans alone.

* * * * * * *

With all the economy that can be used, and exertions in agriculture, &c., so long as we hold this country, as we do now, it must be a very heavy burden to us; and there never can be the slightest return for all this outlay—not even in meliorating the condition of the people; for this distribution of public money makes them more idle and worthless. There is no possibility of any change for the better. Twenty—fifty years hence—this Territory will be precisely the same it is now. There can never be an inducement for any class of our people to come here whose example would improve this people. Speculators, adventurers, and the like, are all that will come, and their example is rather pernicious than beneficial.

No civil Government, emanating from the Government of the United States, can be maintained here without the aid of a military force; in fact, without its being virtually a military Government. I do not believe there is an intelligent man in the Territory who is not, at the present time, fully sensible of this truth. All branches of this civil government have equally failed—the executive, for want of power; the judiciary, from the total incapacity and want of principle in the juries; and the legislative, from want of knowledge—a want of identity with our institutions, and an extreme reluctance to impose taxes; so much so, that they have never even provided the means to subsist prisoners, and, consequently, felons of all kinds were running at large.

The New Mexicans are thoroughly debased and totally incapable of self-government, and there is no latent quality about them that can ever make them respectable. They have more Indian blood than Spanish, and in some respects are below the Pueblo Indians, for they are not as honest or industrious. In this remark, I allude to the lower classes; there are some educated gentlemen, with respectable families—about enough for magistrates and other official persons. There is not much increase in the population, owing to their gross depravity. I doubt if there is a tribe of Indians on the continent who are more abandoned in their commerce between the sexes than the great majority of this people.

The reduction of Government expenses was, no doubt, the primary cause of the recent disaffection. As a conquered people, they feel a natural dislike towards us; but so long as we kept them supplied with money, and they had nothing to do but revel in their vices, they were content to stifle their patriotism. It requires but very little to subsist them, and, therefore, a small pittance enables them to pass their time in idleness and vice; but that little they must have, and there is no way they can get it. The truth is, the only resource of this country is the Government money. All classes depend upon it, from the professional man and trader down to the beggar. Before we took the country, a considerable part of the population earned a scanty livelihood at the mines; but this work was abandoned directly when the Government money was scattered broadcast among them. These mines are not productive, and never can be made so, in comparison to the inexhaustible mines of California; but a part of this people managed to earn at them a few shillings a day, and that supported them. They will be obliged to return to this work again, as the only means of living, while the rest must get from the soil the few articles that are necessary for their subsistence. There can never be any profitable agriculture in this country. There is but a very small part of it that is arable land; the valleys of the few streams comprise the whole of it; and much of this cannot be cultivated, owing to the efflorescence of salt; and the residue requiring such a laborious kind of irrigation and cultivation that corn cannot be raised here for less than a dollar a bushel. But, even if it could be raised as cheap as it is in Missouri, there would be no market for it beyond the wants of the Government; and no agricultural product would ever pay transportation from this remote country.

With regard to their protection from the Indians, they would have the same that was extended to them by the Mexican Government—that is to say, permission to defend themselves. Besides, they would be much better armed than they have ever been before, and the Indians would have more respect and fear for them. There is, too, a growing disposition on the part of the Indians to remain at peace, and support themselves by cultivation. The Navajoes and Utahs are perfectly quiet, and the Apaches, the only hostile band now in the Territory, have committed no depredations within the last month, and have sent in word that they wish to make peace. If the Mexicans should act justly by the Indians, I think there would be no difficulty; but if they did not, and war should ensue, the Mexicans would always steal from the Indians quite as much as the Indians would steal from them, and thus they would be no losers in the end. On this point, too, I would remark that if this Territory was erected into a State, it would be expected that the people would take care of themselves, and they would be no better able to do it then than they are now. Again, why are we bound to give any more protection to this Territory than we give to Oregon and Utah? Those people are obliged to defend themselves against the Indians. Why should not this people do the same? I should think it would be well to give the Mexicans a liberal allowance of arms and ammunition, especially as there is a large supply here that is not worth transporting back.

It would be impossible for our troops to remain here with Mexican civil officers, for we should have to interpose in their squabbles, which would make them serious matters. There would be no danger of any attempt to throw off our sovereignty; the authorities (and they would soon be absolute) would be too much interested in getting appropriations; besides this, they would know that we could annihilate them at any time.

There would be very few Americans remain in the Territory; the number has already diminished very much. They are nearly all adventurers, not intending to reside here permanently; and, when they can no longer make money, they will soon leave. At all events, the few that would remain could take care of themselves quite as well as those did who were here before the war.

It may be thought that the abandonment of the new posts so recently established would be a great sacrifice; but it would not be so. They were built entirely by the troops, and cost but little, and labor was beneficial to the command.

I am, sir, with high respect, your obedient servant,

E. V. SUMNER,

Brevet Col., Lieut. Col. 1st Dragoons,
9th Department, in charge of executive office.

Hon. C. M. CONRAD, *Secretary of War.*

Mr. WEIGHTMAN, (resuming.) Mr. Chairman, when I read the atrocious libel which you have just heard, I determined to make a speech of a different character to the one I previously intended. Yet, sir, for forty-eight hours after, I did not desire to obtain the floor. When a man is filled with honest, healthful, well-grown indignation, he is apt to scatter epithets, as an ancient and barbarous people did their barbed javelins, at their foes; and although, sir, I, as the representative of an insulted and slandered people, am under no obligation to be choice in my words, or to select my expressions in speaking of an Administration to which I owe no duty or respect, yet, sir, I was not unmindful of the respect due to this House, the respect I owe myself, and my duty to the cause of the people I represent.

For forty-eight hours I did not desire to obtain the floor. My just anger rendered me unfit then to address the House.

Sir, the people I represent are grossly calumniated by the letter of Colonel Sumner, which has been adopted as an Executive document. Some of the charges are of such a character that I can hardly discuss them. So sweeping is the denunciation of the people, that it includes every man, every matron, every maiden, every child, every child in its mother's womb, and the unborn children of that unborn child.

Sir, Burke, the great Irish orator, who stamped upon the annals of the British Parliament the imprint of his wonderful ability and genius, as ineffaceably as the tracks of men in the hard rock made in ages passed away—Burke said he knew not how to draw an indictment against a whole people. Not so with the commander of the ninth military department and the Secretary of War.

"Fools rush in where angels fear to tread."

I desire to say a few words regarding the capacity of my constituents for self-government. That thing to which they have the greatest repugnance, to which they have the greatest indisposition to submit, and which they think most destructive of the liberty of the people, is the assumption by the military of the civil functions of the Government. There are members of the House, who perhaps remember that when I came here in 1850, as the agent of New Mexico, then seeking admission as a State, that there was then going on there a furious quarrel between the people and the military—a contest for power and control of civil affairs. The people claimed that the military government existed not by law, but by acquiescence, and in this, the opinions expressed by President Polk sustained them. In their memorial to Congress, the Legislature said as follows:

"In putting in operation the form of government set forth in the constitution, they believe they have done no act inconsistent with a proper respect to the Government of the United States. The form of government adopted by the people of New Mexico is set up in opposition to no government recognized by Congress, or known to the Constitution and laws, but simply takes the place, under circumstances of urgent necessity, of an unacknowledged government, which has utterly failed to protect the inhabitants of New Mexico in their dearest rights, or to preserve the plighted faith of the Government of the United States."

This was in 1850. Colonel Munroe, the then military commander and governor, maintained, by force, the existence of this repugnant government, and sent to Washington for instructions. He received them by special messenger sent from Washington to Santa Fé, on the 22d day of October, 1850. He was directed, through the Secretary of War, by the President, the constitutional commander of the Army, "to abstain from all further interference in the civil and political affairs of that country. Did he do it? He did not. His unrebuked contempt for the orders of his lawful superior has had its consequence.

In a speech delivered at the last session, I gave a full account of the military government in New Mexico. I denounced it, and the documents I then read proved the truth of my denunciations, and laid bare the shocking details of a government in which the military was supreme; in which the commanding officer was supreme—a government which harassed the people, which interfered with their *religion*, which disturbed congregations in the control of their own temples, which fined and imprisoned the people without the intervention of juries, which taxed them without their consent, which embezzled the taxes when collected, and which scourged them without trial. I might *add* to this list of enormities which have taken place under the military government. And, sir, notwithstanding the act of Congress organizing the Territory of New Mexico, giving to it a civil government, we have just heard read a recently-written letter of another commander of the ninth military department, signing himself "in charge of the Executive office."

Mr. SWEETSER. If the honorable gentleman from New Mexico will allow me, I desire to put an inquiry to him, with a view of replying to some portions of his remarks. In order that he may understand the point I desire to make, and that the House may understand it, I hope he will yield me the floor for a moment.

Mr. WEIGHTMAN. I will yield to the gentleman with pleasure.

Mr. SWEETSER. I desire, then, to inquire of the gentleman whether Colonel Sumner took upon himself the civil government of the Territory of New Mexico during the time that there were any civil executive officers there? I am informed, and so charge, that Colonel Sumner never undertook to meddle with the civil affairs of the Territory until after Governor Calhoun and the Secretary of the Territory, upon whom the functions of the Executive would have fallen in the absence of the Governor, had both left; that he assumed to control at the urgent request and desire of the judges of the supreme court; that prior to his assumption

of the civil government of that Territory, there had been discharged from prison a large number of criminals of the most desperate character, for want of means to keep the judiciary in motion; that those criminals, who had been committed for outrages upon the inhabitants of New Mexico, after their release, became so bold in their depredations that the judges of the supreme court appealed to Colonel Sumner—there being perfect anarchy in the country—to assume the entire jurisdiction and control of the Territory; that he did so in view of the urgency of the occasion, upon consultation with the judges of the supreme court, and that he yielded it the moment there was anybody to assume civil jurisdiction there. I am aware that there was afterwards a conflict between the judges of the supreme court and Colonel Sumner, who assumed entire jurisdiction of the country, or in other words, to enforce law and order there through the instrumentality of the bayonet. It originated in this way: A notorious criminal, who had invaded the rights of the New Mexicans to such an extent that there was danger of the people forming a mob for their defense, was imprisoned by order of Colonel Sumner. A judge of the supreme court issued a *habeas corpus* and discharged the criminal, who was at the time intoxicated; Colonel Sumner promptly arrested the criminal, and made an order that no criminal in future should be set at liberty whilst he was *drunk*, and enforced it. The judges complained that the Colonel had suspended the *habeas corpus* act. I shall be prepared by-and-by, if it becomes necessary, to justify Colonel Sumner in that act.

Mr. WEIGHTMAN. Upon that I take the floor. If the gentleman is prepared to justify an officer of the Army in doing that, I should like to hear the justification.

Mr. SWEETSER. The country was in a state of revolution. There was no civil authority there that was effective for any purpose, and, in my judgment, it was no time for the judges to quibble about a *shadow*. I am prepared to justify Colonel Sumner in that, and all other acts by him done, to save the inhabitants from robbery and murder.

Mr. WEIGHTMAN. Sir, I appeal from Colonel Sumner "in charge of the executive office;" I appeal from Colonel Sumner, the proconsul, to Colonel Sumner in the discharge of his legitimate military duties.

Mr. SWEETSER. I hope the gentleman will answer my question.

Mr. WEIGHTMAN. I will do so now, in the course of my remarks, if consistent with my time and arrangements. At all events, I will answer.

After Secretary Allen had left New Mexico, and before Governor Calhoun had done so, Colonel Sumner, in conjunction with the Governor, published in the Gazette at Santa Fé, and, I presume, otherwise made public, the following:

TO THE PUBLIC.

It is hereby announced that no interregnum will take place in the office of Governor of this Territory. If Governor Calhoun should be obliged to leave for the States before the arrival of the Hon. Secretary of the Territory, the military authority of this Department will so far take charge of the Executive office as to make the preservation of law and order absolutely certain.

Given at Santa Fé, this 21st day of April, 1852.

J. S. CALHOUN,
Governor of the Territory of New Mexico.
E. V. SUMNER,
Br't Col. U. S. A., Com'g 9th Mil. Dep.

SANTA FE, *April* 24, 1852.

The meaning of this, as understood at the time by the judges of the supreme court, by the Indian agents, and by Colonel Sumner himself, was, that he was to give, should it be needed, to the civil government *aid and support*, and *not* that he was to seize upon, as he did do, all the powers of the civil government, executive, legislative, and judicial.

The bill of rights declared by the Legislature of New Mexico, and approved on the 12th of July, 1851, by James S. Calhoun, Governor, contains the following provisions:

"SEC. 7. The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches; and no warrant to search any place, or seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause, supported by oath or affirmation."

"SEC. 10. The privilege of the writ of *habeas corpus* shall not be suspended, except when, in case of rebellion or invasion, the public safety may require it."

"SEC. 15. No citizen of this Territory shall be deprived of his life, *liberty*, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land."

"SEC. 16. The military shall at all times be subordinate to the civil authority."

When Colonel Sumner established a proconsulate in New Mexico, he violated the bill of rights of the people, and the law of Congress establishing a *civil* government in that Territory.

The honorable gentleman from Ohio, [Mr. SWEETSER,] says the judges of the supreme court earnestly invited him to do this, and the honorable gentleman thinks this to be the case, else he had not charged it. For aught I know, Colonel Sumner may have written to him to that effect. If this is so, I must yet be permitted to doubt. Not that I mean by this to assail the veracity of the gallant Colonel, but I mean distinctly to say that upon *his* appreciation of distinctions, upon the lucubrations of *his* mind, upon *his* generalizations from individual facts, I have no reliance whatever.

Colonel Sumner is a gallant officer, who gained laurels honestly in the services of his country. Could I, I would not strip them from him. The obtuseness of his intellect, however, is well known. When he was assigned to an independent command, the Army, without gaining an administrative officer, lost the services of one of its best executive officers. I would risk obtaining a verdict to this effect before a jury of officers of the Army of his own selection. He has an obtuse intellect.

The honorable gentleman from Ohio, [Mr. SWEETSER,] says the judges of the supreme court earnestly and urgently invited the Colonel to assume entire control. He has also alluded to the notorious fact, that when Sumner issued an order suspending the *habeas corpus*, the judges remonstrated. But the honorable gentleman says this was a subsequent affair. I apprehend that the remonstrance of the judges took place as soon as the order came to their knowledge.

The honorable gentleman is under the impression that the judges earnestly requested Colonel Sumner to take control *because* there was entire anarchy in the country. Can this be so? There were but two judges in New Mexico at the time—Judges Watts and Mower. From the latter I happen to have received a letter of date May 25, 1852, written from Soccorro, from which I read an extract:

"The affairs of this Territory are in a most critical situation, owing to the absence of the Secretary, the death of the Governor, which is daily expected, and the assumption of the civil power by the military commander. Yet there is no danger of revolution, as talked of so much in Santa Fé. The people have no desire to rise, and the Pueblos are all quiet. The so much celebrated *emeute (which never took place)* in Santa Fé," &c.

Again, in the postscript to the same letter, Judge Mower says:

"*Whatever you may hear about a revolution in this Territory, do not believe it. There is no truth in it.* You know the power and wealth of the country is in the Rio Abajo, and I have talked with nearly every rich man in the valley, and they laugh at every such idea. They say, however much a *few* discontented spirits may desire it, they have not the means or spirit to prosecute it. General Armijo says that he will send his head to the President if there is an attempt overt to raise insurrection." * * * "They can do nothing, and they know it. Besides, the well informed people *prefer American* to *Mexican rule*."

This letter is dated May 25th; the letter of Sumner, which the Executive has adopted, May 27th, only two days apart.

Is it possible that the judges—recollect there were but two of them in the country—invited Colonel Sumner to take entire control, as the honorable gentleman from Ohio [Mr. SWEETSER] supposes? Is it possible that they did so, because anarchy prevailed throughout the country? I have no letters from Judge Watts of that date, but I apprehend that *he* did not urgently and earnestly solicit Colonel Sumner to take control.

In reference to the anarchy which it is charged prevailed in New Mexico, I will read extracts from a letter of a Mexican gentleman. The original is in Spanish. It is dated June 28th, 1852. I read a larger extract from this letter than is necessary to resolve the question of anarchy or no anarchy:

"A long experience has given the people of New Mexico an opportunity of knowing their fellow-citizens, notwithstanding (*some*) consider them distinguished by castes or *races*. The New Mexicans consider all rational men as equals; inhabitants of the country consider themselves entitled to the same rights, and are only distinguished by their good or bad actions. We look upon a *Frenchman* the same as upon a North American, an Irishman, a German, or a Mexican.

"If some unfortunate occurrences have taken place in this country, by unforeseen circumstances, they have been the result of accident, or causes forced upon us. The death of Skinner and others was sought out and hastened on by themselves. Their own imprudence has consigned them to their graves, leaving us the sad mementos humanity impresses on our minds.

"It is certain, very certain, that these misfortunes were not premeditated attempts to raise a fratricidal arm, but have taken place in disturbances created by themselves, in which they imposed upon our citizens, and took up arms to abuse them. It must be confessed, that self defense is a natural gift implanted in the heart of man, and that in desperate cases there is no reflection, especially among men of little education." * * * * * * *

"In April last several Santa Fé merchants, in company with the Secretary, Doniciano Vigil, (Secretary under the military government,) 'took it into their heads to *dream* of a revolution.' They actually spread the information in every direction, until it came to the knowledge of the military commander. The object was to procure customers in Santa Fé and other places, and to restore to their previous civil and military positions the brethren of that extraordinary administration, but" * * * * * * *

"Governor Calhoun and other friends will be able to give you further information on the subject. * * *

"Governor Calhoun left for the States about the 1st of May in very ill health. May God restore it to him again, and enable him to return to exercise his duties with his accustomed honesty." * * * * * * *

"Have the goodness to place me at the feet of your lady, and salute the children."

But, Mr. Chairman, I have not done with this point yet. I now call Colonel Sumner to the stand. I appeal from Sumner, the proconsul, to Sumner, the Colonel, in the discharge of his legitimate military duties. I do not read the letters entire; the extracts, however—for I have only extracts in my possession—can be perused by any member who desires it, and I doubt not access can be had to the entire correspondence in the War Department. I read from an official letter from the headquarters near Albuquerque, dated April 9th, 1852:

"In addition to this report (about Indians) there are constant rumors of disaffection in the Mexican population, until any one not conversant with affairs here would suppose that we were on the eve of a rebellion. The Governor and I, although differing on many points, have agreed upon this: that there is nothing whatever to apprehend from the Mexicans, if they are treated properly. As a proof that we are right, several of the principal and most influential Mexicans have sent large trains to the United States this spring for goods, while others are preparing to go to California, intending to leave their families and property here.

"I believe that most of these stories originated with *some* unprincipled *Americans*, or if they do not create them they distort and exaggerate them for the purpose of keeping up this excitement. It is my deliberate opinion, that there are *some* men in this Territory who will stick at nothing to increase the expenditures of Government. All this would be of no consequence, except that such reports have the tendency to verify themselves, by creating distrust and serving to alienate the different classes from one another. If from this cause, or any other, a difficulty should arise with the Mexicans during an interregnum in the office of Governor, I should be compelled to assume the functions of that office."

I submit that here is nothing of a derogatory character to the Mexicans, nor is there in the whole letter—nor is there *generally* to the Americans—*some* of them only are represented as disturbers of the public peace. Not a word is there here about Mexican pronunciamientos every month or two. In the letter which was read by the Clerk, *all* the Mexicans and *all* the Americans are denounced together. Do not forget that this was after his usurpation of dictatorial functions, in which he had been opposed by the judges, Indian agents, and people.

Again, in another official letter to the Adjutant General, dated at Santa Fé, April 22d, 1852, but thirty-five days before the proconsul letter, Colonel Sumner says:

"As the Governor was extremely ill, and evidently very apprehensive of serious difficulty, I thought proper to come up here at once. I saw *no appearance of disaffection as I passed through the country*, and I think if there is anything in these rumors, it is confined to the lower classes, instigated, perhaps, by a *few* desperate, unprincipled gamblers and speculators, who have everything to gain and nothing to lose by fomenting commotions." * * * *

"On my arrival in this town," (Santa Fé,) "I found *it* in a state of anarchy. All prisoners had been released for want of means to subsist them, and all law seemed to be set at naught. At the same time there was a constant dread of revolution, which kept up a feverish excitement that was likely every moment to lead to some collision with the Mexicans. I saw that it was necessary to take measures immediately to repress all this disorder, and I said to the Governor that I the thought proper to ask for military *aid*, that I would give it at once." * * * * *

"I have established a military police, to act in *support of* the civil authorities. These measures will, I think, *secure* the quiet of *this town*. The extreme illness of the Governor, and the absence of the Secretary of the Territory,

have had some influence in producing this state of things, and it was evidently necessary to announce to the public that there would be no interregnum.

"In a conversation with the Governor on this subject, we determined to publish the enclosed paper, No. 3," [I have read it to the House,] "which will, I think, effectually crush the hopes of all intriguers. I am fully aware that I am placing myself in a most critical position, but the path of duty seems to me plain, and I shall take the risk."

In this letter there is no general denunciation of the people. The *suspected* disturbers of the public peace were "confined to the lower classes," (of Mexicans), "instigated, perhaps, by a *few* desperate, unprincipled gamblers and speculators, who have everything to gain and nothing to lose by fomenting commotions." Thirty-five days after, *all* together are denounced. In the extract I have read is the testimony of Colonel Sumner, that out of Santa Fé no anarchy prevailed—that all was quiet out of Santa Fé, and that *in that town* only such confusion and excitement existed as was quieted by *aid and support of* the civil officers.

I may as well mention now what I have failed to mention heretofore. Besides astounding the judges by suspending the *habeas corpus*, Colonel Sumner also waked up the Indian agents by assuming control of their functions. He added to his titles the words "*ex officio* Superintendent of Indian Affairs." At this stage of affairs his signature was most elaborate—I will give it to you, Mr. Chairman: "E. V. Sumner, Brevet Colonel, and Lieutenant Colonel First Dragoons, commanding ninth military department, in charge of Executive office, and *ex officio* Superintendent of Indian affairs."

The correspondence between the Indian agents, J. Greiner and S. M. Baird, and the Colonel, are on file in the Indian Department.

Now I ask, inasmuch as all was quiet out of Santa Fé and military *aid* and *support of* the civil authorities was all that was necessary to insure quiet in that town, what excuse was there for Colonel Sumner in seizing upon the reins of government, in spite of people, Indian agents, and judiciary? Why, during an interregnum, could he not content himself with doing his duty by giving *aid* and *support* to the civil officers? In his proconsul letter, Colonel Sumner speaks of a *recent disaffection* among the Mexicans. He does not say *among the Mexicans*, but the context indicates that he so intends. What was that "recent disaffection?"

I will here say that the opinions and conduct of the people of New Mexico in this very matter, of which Colonel Sumner speaks as "disaffection," plainly shows that they understand better the true spirit of our Government than the officer who has ventured to pass judgment on their knowledge and capacity. In what did the "disaffection" consist? When Governor Calhoun had left the country, when Secretary Allen had left the country, the Mexicans thought that they, *the people*, might properly meet together and designate some one of their choice to administer the Executive office until one or other of the only two officers designated by the law of Congress to exercise those functions should return to the country. The *suspected* object of these meetings was for this purpose. This was suspected. I do not suspect. I admit this to have been the object of those meetings. The people thought that under a republican Government, the right of designating a temporary Executive belonged to them. Colonel Sumner calls this *disaffection*.

But, sir, a rule to which no one would raise an objection elsewhere is not to be tolerated in New Mexico. Is this because they are "a foreign race, speaking a foreign language?"

Now, I ask any Delegate on this floor, if their Governor and their Secretary left their posts, and it became necessary to have a temporary Executive, who would designate that temporary Executive, the people or the officer of the Army highest in rank in the country? Would any officer of the Army in your Territories set up such a claim? Would he *dare* to do it?

Imagine such a claim set up in Oregon, and the officer in command of the troops preparing to back his claim by action, and what would we see? Why, the people in arms, running together and electing as their leader their worthy Delegate. And I venture the assertion that he would abate the insolent claim, or drive the arrogant disturbers of the public peace into the sea.

But in New Mexico, we are a "foreign race, speaking a foreign language," under the ban of an Executive which, for purposes of its own, permitted without rebuke the establishment of a proconsulate within the limits of this Republic, and has permitted the flag of the United States to be associated in the minds of the people I represent with injustice, wrong, and tyranny. *We* may not assert our political rights by arms, as others may, against an usurping officer of the Army, without our loyalty to the Government being suspected by the people of the United States, and our motives being misunderstood. Our hope has been in the constitutional Commander-in-Chief of the Army and Navy. We have been disappointed. No orders, obedience to which has been enforced, have protected us from assumption by the military or civil functions.

I wish to place this matter on broad grounds, and I lay down this proposition, and call to it the attention of the honorable gentleman from Ohio, [Mr. Sweetser,] to whom I take this opportunity of expressing my regret for the unbecoming warmth of manner I exhibited when he interrupted me the second time. I am so unused to public speaking, and interruptions so break in upon the thread of my remarks, that I can hardly again resume it. I beg the gentleman's indulgence.

The proposition I make is this: that in case of death, or from any other cause, the Executive office becomes vacant, and the law designates no successor, that the right to fill the temporary vacancy rests *alone* with the people. The vacating officer cannot nominate his successor by last will and testament, or otherwise, nor can the judiciary select the successor, nor the vacating officer and judiciary conjoined. Under our form of government, this right resides with the people, and with them *alone*.

I will support this proposition by a single supposed case.

Suppose that the recent railroad disaster, which resulted in the regretted death of the only son of General Pierce, had also caused the death of the President elect; and further, suppose that the universally-beloved Vice President elect should be shipwrecked while on his health-seeking voyage to Cuba. These two deaths occurring before the 4th day of March next, and the Constitution fails to designate the President, it casts this high office upon no one. Who, in such a case, would be in charge of the Executive office? The Commander-in-Chief of the Army, in virtue of his office, or the people of the United States? Who, in all the nation, would tolerate that the Commander-in-Chief should seize the reins of Government, and treat as disaffection the desire of the people and States, or their representatives, from choosing a temporary President? Is not the Commander-in-Chief of the Army the *last* officer in the Government who, by virtue of his office, would be permitted to make such an assumption? Would it be permitted if the judges of the Supreme Court, extra-judicially or judicially, should earnestly and urgently ask the Commander-in-Chief to do so? I answer, No. Such matters pertain to the people alone.

How salutary a thing would it have been in New Mexico, if Colonel Sumner, instead of seizing upon the government himself, had given military *aid* and *support* to a temporary executive officer designated by the people. How convincing would this have been to the people there that the Government of the United States is what it professes to be, a Government not of force, but of law.

The quarrel between the people and their legitimate civil officers on the one side, and the military on the other, has been one of long standing. It began in 1849. Many will recollect the correspondence between Manuel Alvarez, the choice of the people, and Colonel Munroe, regarding the contest for civil power, in 1850. From that time to this, with occasional lulls, the contest has been kept up; not only during the administration of Governor Calhoun, not only during the interregnum, but also *since* the arrival in New Mexico of the successor of Governor Calhoun. The contest has been kept up in interregnums and not in interregnums, despite the law of Congress establishing a *civil* government in New Mexico.

Colonel Sumner, in his proconsul letter, has said that civil government in New Mexico is a failure; that the proper government for that country is one under *military supervision*, and as far as in him lies, it seems he intends making this out. Governor Lane, soon after his arrival in Santa Fé, fell into the same difficulties against which Governor Calhoun had to contend. The substance of the complaint of Governor Lane is, that the military are endeavoring, or I should rather say Colonel Sumner is endeavoring, to thwart the successful operation of the civil government. The correspondence which took place between them if not now, soon will be in this city. It was transmitted to the President by the mail which left Santa Fé on the 1st of December.

The old quarrel between the civil and military is now—*now*—going on in New Mexico, with all the heat of 1850, and this Administration, in my judgment, is responsible for the insubordination of the military to the laws of the country in New Mexico.

I have shown you, Mr. Chairman, how it is that Colonel Sumner became soured towards the people I represent—how, within a month, he changed his opinion of them. I will now show you how he fell out with the soil or land in New Mexico. He says in his proconsul letter that *the land* is fit for nothing. Colonel Sumner's first acquaintance with New Mexico began in 1846, when General Kearny took possession of the country. He was there about three months. While there he saw the growing crops, and when assigned to the command of the ninth department last year, he cheerfully undertook to establish farms, to be cultivated by the soldiers. He was enthusiastic. The Mexicans were to be learnt a thing or two about agriculture. He laid in his seeds, the usual assortment of improved plows and hoes, together with all the modern improved implements and machines for the most advanced state of agriculture in New or Old England—amongst the rest *hydraulic rams*, and a practical farmer from Massachusetts. All these having been transported to New Mexico, were clapped down rigidly upon a country, where *irrigation* is one of the indispensable incidents of cultivation. What was the result? You know, Mr. Chairman—*a failure*. It became evident to Sumner that *something* was the matter. Sumner laid it on the land. I reckon if the land could speak, it would lay it on Sumner.

Besides farming, the Secretary of War thought cattle-raising would be a good military idea for New Mexico. Sumner said he could do it. He accordingly selected *Durhams* as the proper breed. All who know anything of this breed, know that they require the richest herbage. The best pastures of the most fertile States alone can support them. In Virginia and Maryland they cannot, with advantage, be grazed.

I do not know, Mr. Chairman, how this experiment turned out. I suppose the Durhams are all dead. *If they are not, New Mexico is a fine grazing country.*

But in reference to the capabilities of the country, I refer to the honorable gentleman from Oregon, who traveled through it. He can give to the House information on which it can rely, and I hope he will take an early opportunity of doing so.

I would not like, Mr. Chairman, to subject myself to the odium of likening the intellect of any member of the Legislature of New Mexico to that of Colonel Sumner. In the proconsul letter he says:

"On this point, too, I would remark, that if this Territory was erected into a State, it would be expected that the people would take care of themselves, and they would be no better able to do it then than they are now. Again, why are we bound to give any more protection to this Territory than we give to Oregon and Utah? Those people are obliged to defend themselves against the Indians. Why should not this people do the same?"

The Colonel evidently thinks that the people of the States ought to do their own fighting, and that the people of the Territories ought to do their own fighting.

As the States and Territories comprise the whole United States, I ask in the name of all that is stupid, if this is the case, what do we want with an Army? Why do we spend millions of the public money in maintaining an Army, if the people of the States and the people of the Territories are to defend themselves?

Again, the Colonel says:

"It would be impossible for our troops to remain here with Mexican civil officers, for we should have to *interpose* in their squabbles, which would make them serious matters."

Whether the "which would make them serious matters" is intended as the reason for or the consequence of the *interposition*, does not appear. But when did it become one of the duties of the military to interpose in civil squabbles? I will not dwell on this point.

One of the remarks in the proconsul letter induces me to imagine, and I am sorry so to do, that the gallant Colonel has not been as discreet as his friends would desire, in the selection of his female acquaintances in New Mexico. His acquaintances have been injudiciously selected and he has generalized too much. I remember reading of a Chinese *savant*, who, while traveling in England, before the days of steam, was rowed across the Thames in a wherry, by a man who had lost a leg. In handing out the baggage of the Chinese, the boatman put his wooden leg in the water and kept his natural foot on the dry land. The Chinese, struck with the convenience of the thing, communicated to the brother of the Sun and Moon, that in England he had observed a practice which might be introduced with advantage into the empire—he referred to the employment of the wooden-legged men in rowing the boats. He concluded by saying, that he would not presume to suggest whether it would be best to order the wooden legged men into the boat business, or to cut off a leg of those already engaged in it. The Chinese generalized; so has Sumner—the Chinese communicated his generalization to his Government; so has Sumner.

This man, Mr. Chairman, is just what I have represented him to be—gallant, stupid, and generalizing.

But, Mr. Chairman, for the continuance of the quarrel between the military and the civil power in New Mexico, I hold this Administration responsible. That the military, or some of them, have lost sight of their due subordination to the civil power, is justly chargeable on the Administration. The unrebuked neglect of Colonel Munroe to obey his orders "to cease all further interference in the civil and political affairs of New Mexico," has encouraged and promoted other military aggressions on the civil and political rights of the people. Why is it, that having encouraged, by its want of decision, a state of exasperation between the military and the people, the testimony of the former to the character of the latter is eagerly seized upon by the Administration, and transmitted to Congress? Is the War Department the quarter from which we might naturally look for information concerning the civil affairs of the Territories? It is worthy of note that but an insignificant portion of the letters selected for transmission to Congress from the commander of the ninth department relates to military affairs. The operations of the army in New Mexico against the political rights of the people, seem to have more interest in the eyes of the Administration than those against their enemies, the Indians. Why is it that information regarding the civil affairs of New Mexico is not sought from civil sources? Why is there nothing concerning the character of the people coming from the late Governor, James S. Calhoun? I know he entertained the most kindly feelings towards the people, and favorable opinions of their capacity and aptitude in appreciating the spirit and true principles of our Government. He always sustained and defended the popular rights against military aggression. The people of New Mexico appreciated the character of Governor Calhoun, and long will his memory be held in affectionate remembrance among them. Why, I ask, are not the views of Governor Calhoun concerning the people of New Mexico communicated to Congress? Why have we nothing from his successor, Governor Lane? My letters from that gentleman indicate no opinions derogatory to the people, but, on the contrary, express hopes of extended usefulness among them. He has been among them long enough to see into the settled hostility of the military to the successful working of a civil government not under "military supervision." The testimony of those who think well and kindly of the people, is rejected. It conflicts with an obvious purpose, which is apparent in the message and documents: to blot, blur, and disfigure those pages in the history of the country on which are recorded the brilliant administration of President Polk.

During the last session, Mr. Chairman, in defense of Governor Calhoun, and incidentally of the people of New Mexico, I made a speech, much of which, as reported on that occasion, was not delivered in the House. I was interrupted by the Speaker's hammer. The portion I now read was not said in the heat of debate, but calmly written in the closet:

"I cannot close my remarks without saying a few words of denial of the charges which have been directed against the people I represent. Should I close my remarks without speaking in their behalf, I would be unmindful of the courtesies, and kindness, and hospitality, I have invariably received in every part of New Mexico, and be unworthy to represent a people who, with frankness and confidence, have trusted to me to represent their true condition, and promote their interest and happiness. The people of New Mexico have been represented as entertaining feelings of deadly hostility towards native-born citizens of the United States, which makes their lives unsafe in New Mexico—that the New Mexicans are on the very eve of revolt against the Government of the United States. So help me Heaven, Mr. Speaker, this is all untrue. I assert it to be untrue on my responsibility as a representative, and honor as a gentleman. Were it true, the Governor of New Mexico had long since exposed it, and I would not be here as the representative of such a people. But these are *my assertions*—I would convince *your reason*." * * * *

"The picture which has been presented of my constituents by the old adherents of the military government, is false in coloring, and untrue in details. I have never met in any part of the United States, people more hospitable, more law-abiding, more kind, more generous, more desirous of improvement."

Mr. Chairman, were I to arrive in Las Vegas, the frontier village of New Mexico, hungry and athirst, on foot and in rags, without money in my purse, I would knock with confidence at the doors, and my wants would be supplied. Few in all the Territory would turn me from their doors. When I continued my journey, sir, it would no longer be on foot, it would no longer be in rags; my needs would all be supplied, and without money and without price, I could travel throughout the country. Many times my entertainment might be simple—rude indeed, but it would be offered ungrudgingly.

Can I be recreant to the interests and honor of such a people, Mr. Chairman? By their wrongs will I stand by them.

Colonel Sumner has been the recipient of the hospitalities of honorable and refined New Mexican gentlemen, whose houses are the abiding places of chaste matrons and innocent maidens; and the letter you have heard read is the return he has made for those hospitalities. Would you do that, Mr. Chairman? Would I? No, sir. I would rather be a Secretary of War, and retain my seat in the Cabinet of a President who insults the generous constituency who had honored me with their confidence.

Colonel Sumner, who has given a picture of Mexican manners, is in no position to see but rarely anything of domestic life as it really exists in New Mexico. Sidney Smith, in accounting for the bearish deportment of John Bull while traveling on the continent, says, "John is so satisfied with himself because he has *Magna Charta* and *trial by jury*, that he thinks it is not necessary for him to attend to small behavior." Jonathan, the kinsman of John, it must be confessed, is not unmindful that he has trial by jury and institutions which throw Magna Charta in the shade. Proud as John and Jonathan are, they are no prouder than the Spaniards, and not near so *sensitive*. They are no prouder than the Indian, and not near so *reserved*.

While thousands of my constituents are of pure Spanish descent, others, I believe the large majority, have in their veins the blood of the Spaniard and the Indian, mingled generations ago. What of shame attaches to this? My constituents need not be ashamed of their blood. They are descended from the Spaniards, who, by their courage and enterprise, peopled a continent—who maintained a contest with the Moors for an hundred and fifty years, and finally drove them from their midst. When Napoleon appeared to have subdued all Europe, and all seemed lost, Pitt, the English statesman, expressed his reliance on Spanish game for a renewal of the contest, and was not disappointed. The conquest of Mexico by Cortez, and his gallant few, savors more of romance than reality, and in the infuriate resistance of the Aztecs was displayed valor which, though unavailing, has never been surpassed.

From these are my constituents descended, and of their stock they need never be ashamed; and should the army be withdrawn from New Mexico, as Colonel Sumner proposes, and the people supplied with arms, and but *half* the amount now necessary to maintain the troops there, be for a few years appropriated for the support of volunteers from New Mexico, my constituents will demonstrate that they are not unworthy sons of noble sires.

I commend this proposition to general attention. It is economical, which should commend it to Congress, and it will meet with great favor in New Mexico, as, if carried out, it would at once relieve the people from the molestations of the army, and they would soon relieve themselves from those of the Indians.

I have said my constituents are a proud, *reserved*, and *sensitive* people. You can readily imagine, Mr. Chairman, that their reserve and sensitiveness have not been diminished by the war which resulted in the transfer of their country and allegiance. Think you, sir, that a man whose every attitude is an assumption of superiority, and every gesture an indication of contempt, will ever be admitted into the hearts of such a people?—that he can ever see their good qualities? No, sir! he will meet cold politeness and dignified reserve, but catch no glimpse of the hearts or domestic life of such a people.

There is another view of the outrage of which the people of New Mexico have been the subjects, to which I will draw your attention. The letter of Colonel Sumner, which has been adopted by this Administration, and which has been read by the Clerk, is the report of an officer of the Army, not about military matters, but is chiefly devoted to giving an account of the character and habits of the people among whom he happened to be stationed.

Sir, in the year 1848, during the administration of President Polk, the Constitution of the United States gathered New Mexico under its protecting wings; yes, sir, as a hen gathereth her chickens under her wings; and my constituents have as broad political rights as if each one of them were a Secretary of War, and are entitled to as much consideration and immunity from Executive insult as the people of any portion of the country. Imagine, if you can, Mr. Chairman, an officer of the Army, stationed in Virginia, instead of occupying himself with his military duties, to sit down and, *without instruction or encouragement*—ay, sir, there's the rub—*without instructions or encouragement*—to communicate to the Department of *War* his views concerning the people of Virginia; their modes of life, their customs, and their habits of thought—about the slavery question, for instance. I imagine he would promptly be reminded that the character of his duties was military, and that his conduct was improper and unbecoming.

But, suppose further, sir, that the Secretary of War, forgetful of the object of the Department over which he presides, should, through the President, transmit to Congress the letter of the officer. What would the people of Virginia do in such a case? They would demand of the Executive that the officer who committed this outrage should be ordered out of their State, and that he should never again do duty within the limits of the Old Dominion; and if their demand was not complied with, they would thrust him from their borders. Committed within South Carolina, how would boil the blood of the Huguenots, which has given its characteristics to that whole State? How would such an indignity be received in the Territories of Oregon or Minnesota? How in the States of Texas or Florida? But towards States which are represented, or Territories whose people are bound by the ties of consanguinity to the people of the States, such an outrage might not with impunity be attempted. The unrestrained valor of this Administration is reserved for an unrepresented people, with no ties of consanguinity with the mass of the people of the United States—"a foreign race speaking a foreign language." But, Mr. Chairman, this outrage is no less committed in New Mexico than in Virginia, South Carolina, Florida, Texas, Oregon, or Minnesota. The people of New Mexico are citizens of the United States, and stand on soil

consecrated by the Constitution. In that instrument are made no invidious distinctions of race or language. The rights, privileges, and immunities of the people of New Mexico are as broad and perfect as of the people of any other portion of the Union, and I, their Delegate, claim them for them.

When I look back, I remember many things which, at the time of their occurrence, pained, distressed, and wounded me.

Mr. Chairman, I have never been able to wring from this Administration one solitary appointment in New Mexico which the people of that country might look upon as given to conciliate or in respect for them. In 1850, when the civil government was organized, I urged the appointment of Mr. Manuel Alvarez, a high-minded, honorable gentleman, as Secretary of the Territory. I urged his appointment, on the ground that he was well-qualified for the office—that he spoke both the Spanish and the English languages—that the people had recently expressed through the ballot-box their confidence in him—and that his appointment would be esteemed by them as an evidence of kindness and of respect for their wishes.

Mr. Alvarez was not nominated, but, instead, Mr. Hugh N. Smith. As soon as this was known to me, I earnestly appealed to the Administration to withdraw the nomination of Mr. Smith, and to substitute Mr. Alvarez in his stead. I urged that in the same election in which the people had honored Mr. Alvarez they had condemned Mr. Smith. He had just been defeated before the people, and they must feel that the setting aside of Mr. Alvarez, whom they had honored, to make room for Mr. Smith, whom they had repudiated, as indicative of disregard to their wishes, and was but little calculated to attach them to the United States. Aside from all this, I urged that Mr. Smith was a political agitator, and had addressed to the people of New Mexico a pamphlet calculated to indoctrinate them with fanatical sentiments in regard to the slavery question. All in vain, Mr. Chairman; these appeals were disregarded.

When Mr. Smith was rejected by the Senate, I again urged the claims of Mr. Alvarez in vain, sir; in vain. I have never been able to wring from this Administration a solitary appointment of a Mexican, not even for a postmaster. Search the Blue Book, Mr. Chairman.

Had I desired to impress the people of New Mexico with the idea that the Government and people of the United States looked upon them with repugnance and contempt, I would have done as this Administration has done. Did I desire to keep the people of New Mexico in a state of uneasiness and alarm, I would not rebuke the officer who neglected to obey my order to "cease all further interference with the civil and political affairs" of the people. This would encourage other military aggressions, Mr. Chairman. Did I desire to drive them to despair, I would recommend that they should be torn from the homes of their fathers. Did I desire to blacken the character of the people of New Mexico, and thereby convince the people of the United States that the territorial accessions made during the Administration of a political adversary were useless or baneful, I could get no stronger testimony than from them, who, for three years, have been the unrestrained adversaries of the people.

Easily to be discerned from the acts of this Administration is the object of disfiguring those pages of the history of the country on which are recorded the administration of President Polk. Shining monuments of the glory of the country are the successful prosecution of the war with Mexico, and the grand accessions of territory consummated in that Administration.

The treaty of peace and limits between the United States and Mexico provided, among other things, for the appointment of Commissioners to mark the boundary between the two Republics. Well, sir, our Commissioner, with a liberality truly astounding, assents to fixing the initial point on the Rio Grande, above El Paso, at a point so far north as to yield of our Territory a piece of country larger than the State of Massachusetts. Well, sir, Mr. Gray, the surveyor, protests against this proceeding, and refuses to sanction it by his signature. What is then done, sir? Why, the Administration dismiss—who, sir? Mr. Bartlett? No, sir; Mr. Gray. This is not all, sir. Colonel James D. Graham refuses to put his instruments on this line, declaring *that it is not the treaty line*, and *he* is recalled, sir.

Both Colonel Graham and Mr. Gray have declared that the line as proposed to be run by the Commissioner, *sustained by the Administration*, was not the true treaty line. Congress by its legislation has declared that it is not the treaty line, and besides, sir, the *Mexicans* by their acts have declared that, as *they* understand it, it is not the treaty line. On the right bank of the Rio Grande below Doña Ana, there is a town called Mesilla, containing about one thousand souls, which has been settled since the treaty of peace by Mexicans, who, until Mr. Bartlett informed them to the contrary, supposed themselves in the United States. It is needless for me to inform this House that Mr. Bartlett has been sustained by this Administration.

Another of the acquisitions intended by the administration of President Polk, was the Island of Cuba, by peaceable and honorable means—by treaty with Spain. President Polk, acting in entire unison with the national feeling, indicated to Spain, in the usual and *only* mode known to our laws and Constitution, that the United States, to acquire possession of an island so important to her in a *military* and commercial point of view, was willing to pay to Spain for her relinquishment of that island in favor of the United States, the sum of $100,000,000. What was done by the Administration in this matter? As if for the purpose of forever thwarting the peaceable acquisition of Cuba, and of throwing obloquy upon the administration of Mr. Polk, the President, losing patriotism in partisanship, without a shadow of excuse, published to the world secret and confidential correspondence, which should forever have reposed in the State Department, under the safeguard of the national honor. The presidential office is perpetual—the incumbents only are changed. The secrets *pertaining to the office* have been divulged. Letters, confidential in their character, and others *marked* confidential, have been divulged.

Besides divulging the confidential instructions of our Government to its own foreign Ministers, there have been betrayed the secret communications which at foreign Courts have been confided to our Ministers. I will draw attention, Mr. Chairman, to but one of these letters, and of that I will read only the first paragraph. It needs no comment:

"SIR: The inclosed copy of a confidential dispatch addressed to the Minister of State, by the Conde de la Alcudia, Spanish Minister at London, was handed me to-day by a private friend, and may be depended on as authentic. As the communication was made to me in the strictest confidence, and as the document is in itself unsuitable for the press, I take the liberty of transmitting it to you—for the President's information—in the form of a private letter, and request that it may not be placed on the public files of the Department of State."

This letter and its inclosure were made public, to blot, to blur, to disfigure, those pages of the history of the country on which are recorded the events of the administration of President Polk. Unrebuked by the people of the country, such betrayals stain the national honor.

Mr. Chairman, in his message the President says, speaking of Cuba: "I should regard its incorporation into the Union, *at the present time*, as fraught with serious peril."

Here, sir, we are left to infer that at some future time the President will be in favor of its incorporation into the Union. Let us see when he will be. The President proceeds:

"Were this island comparatively *destitute of inhabitants*, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances, I should look upon its incorporation into the Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members."

If this means anything, it means that the President will be in favor of the annexation of Cuba when its inhabitants, the Spaniards, shall *die. Then*, sir, will the President be in favor of Cuban annexation, *and not till then*. In other words, Mr. Chairman, he *never* will be in favor of it.

It is worthy of remark, sir, that the argument about "kindred races," while it cuts off Cuban and all Mexican annexation, favors Canadian annexation.

But, sir, the aim of this Administration to disfigure those pages of the country's history on which are recorded the events of the administration of President Polk, by depopulating and abandoning New Mexico; by giving away to Mexico a portion of our territory, or by defeating the peaceful annexation of Cuba, is all in vain, sir—all in vain. This, nor any other Administration, can prevent the natural, healthy growth of this young nation.

Mr. William Darby, one of the most eminent statisticians in the country, has eliminated that the steady, uniform rate of increase in population in the United States, is thirty-three and a third per cent. every ten years. Adopting for the future, what has been constant in the past, we arrive at the result that in fifty years our population will exceed one hundred millions of souls!

Some time since, desirous of availing myself of this gentleman's great experience and knowledge, I addressed him a letter in regard to the rate of our *territorial* increase. To my letter, Mr. Darby was kind enough to respond, and this letter I now lay before the House for its information and consideration:

WASHINGTON, *December* 13, 1852.

DEAR SIR: Yours of the 4th instant was duly received, but I have not had it in my power to give it what I very much desired, a more prompt attention. The delay I regret, but now proceed to respond, as far as the documents at my disposal, and the importance of the subject, with my ability to do it justice, will admit.

First. You inquire to know, in round numbers, "the extent, in square miles, of the territory of the United States in the year 1783, the date of our treaty with England?"

Secondly. "The extent, as before, in the year 1803, the date of our treaty with France, acquiring Louisiana?"

Thirdly. "The extent, as before, in 1822, the date of the ratification of our treaty with Spain, acquiring Florida?"

Fourthly. "The extent, as before, by the acquisition of Texas, New Mexico, and California, in 1845 and 1848, which last would be, with the other acquisitions, the present area of the United States?"

You also again require "the rate of increase, or *per centum*, of national increase of territory."

You again, also, finally require "the period or periods which should be adopted, upon which to base the per centum of increase."

Query first. In regard to the boundaries and extent in square miles of the original territory of the United States, as estimated in conformity to the treaty of 1783, Morse, and all other authorities whose works I have read, and which works were published soon after the close of the Revolution, or ratification of the treaty of 1783, gave as the amount of the ceded limits, *one million* of square miles, or six hundred and forty millions of acres. Measured by the rhombs, which I have done myself repeatedly, the area comes out so near one million square miles as to justify the adoption of that number in the case under review. At the termination of that period of *eight years*, 1775-1783, to which the people of the United States have given, and rightfully given, the title of "American Revolution," as already stated, the former colonial inhabitants, with a national independence, became proprietors of one million of square miles of compact domain. But of the whole extent ceded, not one tenth part was then (1783) inhabited and cultivated by man. It is safe to say, also, that not one person, who, of those who participated in, and survived the struggle, had, at the date of its successful termination, conceived the most remote idea of the change it had commenced, not alone on the condition of the United Colonists, but to a greater or less extent on that of all mankind.

Of the domain ceded in 1783, not one third part of its surface presented marks of civilization. The colonies whose inhabitants had revolted, and sustained their revolt in triumph, were residents, in the far greater part, eastward of the Appalachian mountains. Of the surface included within the bounds expressed in the treaty of 1783, so little of it was really distinctly known, that much the greater space was land of mystery, and had, at the expense of the worst form of war, to be wrested from savages.

The great event of the Revolution was, however, to give to the world a new sovereignty, in, we might say, a new creation, and with other attributes of grandeur and importance, which time has ever since gradually and steadily developed, but which are yet comparatively in early youth. The subsequent stages of progress since the consummation of the Revolution, have afforded an index for the past and promise for the future. Summing up such calculations from data so difficult to reduce to definitive certainty, something must be allowed to the yet defect of data; though the great extent of the field of operation lessens the comparative value of minute fractions. But we proceed.

Your second query: Extent of square miles added to the territory of the United States, 1803, by the treaty with France ceding Louisiana. The reply to this query opens to our view an event second only to that of the Revolution of 1783.

Under the rather indefinite general name of Louisiana, with New Orleans for its capital, the province of Louisiana ranged in a northwestwardly direction from the extreme southwardly cape of the now State of Louisiana, north latitude 29° on the Gulf of Mexico, to latitude 49° on the Pacific; extending through 20° of latitude, and inclosing between the extremes at least 15° of longitude. Measuring as carefully as its extremely vague and irregular outline would admit and demand, Louisiana then embraced a million of square miles, of which surface perhaps one half spread northwestwardly from the Rocky Mountains to the Pacific ocean.

From its position and natural connection, Florida comes after Louisiana. This now State of the United States is

composed of a curve surface of about three hundred miles in length. Surface thirteen thousand square miles. Ceded to the United States in 1822.

Your fourth query in order relates to the extent, as before, of the immense region contained in Texas, New Mexico, and California. It would be temerity to offer more than a loose estimate of one million four hundred thousand square miles for those undefined regions under the names above stated.

TABULAR VIEW OF THE WITHIN.

	Square miles.
United States original	1,000,000
Louisiana	1,000,000
Florida	13,000
Texas, New Mexico, and California	1,400,000
Amount of territory of United States	3,413,000

In concluding these remarks, we find that the Revolution itself endowed the United States with one million of square miles, equal to six hundred and forty million acres. The cession of Louisiana, doubled the already immense estate in square miles and acres. New Mexico, California, and Florida add the joint amount of one million four hundred and thirteen thousand square miles, or nine hundred and four million three hundred and twenty thousand acres, presenting an almost overwhelming result to the mind.

If you allow fifty thousand square miles as the mean of States, the United States territory will admit sixty-eight!

The most remarkable fact, perhaps, is the following, which is afforded by the history of the United States. The territory has risen to three million four hundred and thirteen thousand square miles; gaining, in seventy-seven years, forty-four thousand three hundred and twenty five square miles annually. In other words, the *pro rata* of annual increase of territory exceeds the mean extent of the original single States.

You will have the kindness to excuse the rough writing with a lame hand; and for delay, a sick family.

Respectfully, WILLIAM DARBY.

Hon. R. H. WEIGHTMAN.

The healthy, natural territorial increase of the United States is 44,325 square miles per annum. A State a year, sir. This is the rate of territorial increase in the past; and without "filibustering,"—sir, the phantom which afflicts the presidential mind,—if the past is the index of the promise for the future, the area of the United States, in fifty years, will exceed that of all North America, and with one hundred millions of population, there will be but one first-rate nation on the globe, and the United States that nation. Do you think, Mr. Chairman, that this Administration can prevent the increase of this healthy child-nation, either in population or territory? I know you do not, sir.

The weakness of Rome, as she increased in extent, was caused by her proconsular system. The Sicilians, in the meridian of the Roman power, rose in arms, invaded Italy, and threatened Rome itself.

If by alteration of our Constitution, or by any legal sanction, the proconsular system should be ingrafted on our institutions, or if public law and, what is still more powerful with us, public opinion, cannot restrain its illegal establishment, then are our limits sufficiently extended already; and if the American people and American Congress will tolerate, without legal sanction, the existence of a single proconsulate within our present limits, then is our territory *too* large already.

The contempt of Rome for "foreign races speaking foreign languages," caused the establishment of her proconsulates, and, as she grew in territory, her

"Extended empire, like expanded gold,
Exchanged solid strength for feeble splendor."

But, sir, no invidious distinctions of race or language disfigure our Constitution, and the people of the United States will permit the establishment of no proconsulates. Our national strength, based as it is on the love and affection of the people for the institutions which secure their liberty and happiness, is increased as our limits are extended. Without the proconsular system, with its consequent weakness, ours is the progressive policy of Rome. Among the Romans there was introduced, by Numa, the worship of the god Terminus—the god of the frontiers and boundaries—and one of his attributes was that he never retreated. He was represented, if I mistake not, as legless—he could not retreat.

We find, also, Mr. Chairman, that Terminus was associated with Juventas, the god of youthful vigor—of progress, sir. As Juventas pushed outward the boundaries, old Terminus took possession of and ever defended them.

Allow me to say, in conclusion, Mr. Chairman, that I have more admiration for Terminus and Juventas than for the American Mars.

THE GARDINER CLAIM, &c.

SPEECH OF HON. C. CHAPMAN,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

January 11, 1853,

On the subject of prosecution of Claims against the Government by Members of Congress, &c.

Mr. STANTON, of Ohio, being entitled to the floor, after a few remarks, yielded it to

Mr. CHAPMAN, who said:

Mr. SPEAKER: Having been a member of the Special Committee which reported this bill, I avail myself of the courtesy of the gentleman from Ohio [Mr. STANTON] to submit some few suggestions upon topics which have been drawn into this discussion.

I have hitherto, Mr. Speaker, contented myself with giving a silent vote upon all questions in relation to which I have been called to act at all, and had I not been one of the majority of this committee who reported the bill under consideration, I should not now depart from the practice I have hitherto observed. But, sir, agreeing as I do in recommending this bill to the favor of the House, I wish, in a brief manner, to assign the reasons for my own action.

I am satisfied, as I trust every member of this House is, that a practice has prevailed to a considerable extent among members of both branches of Congress of acting as agents for persons having claims against the Government, in some cases for compensation certain, and in others for compensation contingent upon success. If such a practice exists, and is an evil, as I believe it to be—an evil which is increasing with the growth of the country and the increase of its business—then I think it is the duty of Congress to apply a remedy which shall reach the necessities of the case. While doing this, it will be well, in my judgment, to strike at mischiefs of a kindred character which I am led to believe exist among other classes of men who hold office under the General Government. I believed that the ends in view could be best attained by the introduction of a bill like the one now under consideration, and in the mode adopted by the committee. The task of introducing and piloting a bill through this House upon the part of a single member, according to my observation, is not an easy one. If a bill were reported by a committee, I thought it would receive earlier, perhaps more favorable action, than if it were introduced into this body by a single member.

A bill embracing the principal provisions of the one now under consideration was introduced into the Senate at the last session, by the Senator from North Carolina, [Mr. BADGER;] and when the gentleman from Ohio [Mr. OLDS] said the other day that it was drawn by a master hand, he said truly. The committee of which I was a member amended that bill in some important particulars, and thus amended, have recommended it to the favorable consideration of the House. In presenting this bill, the committee have, in my judgment, undoubtedly departed from the *letter* of their instructions; but they have done so without any apprehension of censure, inasmuch as the evil, which the bill is intended to remedy, is a pervading one, demanding the application of an efficacious remedy. Let me say here, Mr. Speaker, that nothing is inferable from the bill reported by the Select Committee as to what are the opinions of its individual members, which is inconsistent with the finding of that committee, so far as it relates to the Secretary of the Treasury. There should be no misconception on this subject, and no misconstruction of the opinions or motives of the committee.

Now, what is the mischief of which complaint is made? It is, that gentlemen holding official stations—members of the Senate, members of the House of Representatives, heads of Departments, heads of Bureaus, and a myriad of subordinates—have been engaged in the work of furthering the prosecution of claims against the United States. This practice has been confined to no party or class. It has been a prevailing practice in both branches of Congress, as I am informed and believe, and has had the sanction of distinguished men belonging to the different parties of the country. Among the individuals acting as agents for claims against the Government, some have rendered the service for their constituents without compensation. This is unobjectionable; and the bill is not aimed at them. Others have performed this labor for a certain compensation, which is objectionable. There are others still who have labored for a contingent compensation, which is, in my judgment, more objectionable still. It is not too much to say that their success is sometimes attributable in part, and sometimes in whole, to the official influence which they may bring to bear upon the subject.

It is matter of complaint that claims against the United States are most unreasonably embarrassed and deferred, upon one pretext and another; that honest, *bona fide* creditors are compelled to waste their substance in prosecuting just claims, and that the delay is ultimately equivalent to, if it does not occasion, a defeat. It is insisted that claims represented by office-holders, although of a less equitable character, often receive earlier attention than those which do not have the advantage of such aid. Doubtless they are, in other respects, more favorably regarded. I do not think there is any considerable diversity of opinion in this House in regard to the character of this evil, or the expediency of applying an appropriate remedy. Whether the bill reported by the committee meets the necessities of the case, or whether it may be profitably amended, I leave to the determination of the House. I do not intend, at this time, to examine its details, nor the amendments which have been offered to it by the gentleman from New York, [Mr. HAVEN.] I will say, however, in regard to those amendments, that I have read them cursorily, and they meet my individual approbation.

But I prefer to address myself to the report of the committee, and the strictures of the gentleman from Ohio [Mr. OLDS] upon it. The resolution creating this committee, as originally introduced by the gentleman from Ohio, and as amended by the gentleman from Virginia, [Mr. MEADE,] has been differently construed by different members of that committee. It is, as it stands, a piece of patchwork, rather inartistically put together. The following are the words of the preamble:

"Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been improperly connected."

Yet of this Gardiner claim nothing is said in the preamble to the resolution. The resolution, however, directs an investigation into the facts touching the connection of the said Thomas Corwin with the said "Gardiner claim." It was thought expedient by a majority of the committee to investigate somewhat the character of the claim itself. No such instructions were given, and I am by no means certain that the report in this regard is not subject to just criticism.

But it was said that this would be an aimless inquiry, if we were to inquire into the connection of Thomas Corwin, the Secretary of the Treasury, with the Gardiner claim, if that claim were an honest, *bona fide* claim upon the Government, and this certainly was said with a good degree of force. Why, it might be asked, while members of both branches of Congress have been, for a long series of years, concerned in pressing claims upon the Government, why should this occasion be sought to stab the Secretary of the Treasury for doing that which had been done by his fellow-members of the Senate and by members upon all sides of this House? It was then said, and perhaps truly, that the committee ought, in this investigation, to inquire into the honesty, integrity, and validity of that claim.

It is due, sir, to Dr. Gardiner, who is to me a stranger, and whose face, so far as I know, I have never seen, to say that this inquiry before the committee, touching the validity of his claim, was for the most part, *ex parte*. Proceedings had been commenced against that individual in the civil and in the criminal courts of this country, and he seemed unwilling to litigate the question relating to the validity of his claim before us. I think he was right in so doing. Whatever the character of that claim was, I think it was wise in his counsel

to advise him, if they did, to have nothing to do with the examination of the character of his claim before us. If I had been his counsel, I would have given him the same advice. He denied in his protest, which accompanies the report, that the House had delegated, or intended to delegate, any power to the Select Committee to examine into the merits of his claim. It is true that upon one or two occasions his counsel appeared before us, for the purpose of cross-examining two Mexican witnesses on two points. He introduced a single witness in the course of the inquiry, and that witness, a clerk in the State Department, merely for the purpose of authenticating some consular seals, and proving the signature of the Mexican Minister. In every other particular this inquiry was purely *ex parte*, so far as Dr. Gardiner was concerned.

An inquiry thus conducted may have disclosed the whole truth in regard to the merit of this claim, or the committee may have arrived at a very erroneous conclusion. *Audi alteram partem*, is a pretty good caution to a judge who is about to render a judgment when he has heard but one side. It is well that he forms no opinion until after he has heard both sides of the case. Much of the testimony that was given before us was heard before the committee of the Senate—every particle of it touching the validity of the claim was heard by that committee. The Senate committee, however, seem not to have been satisfied, for they have sent a commission to Mexico to make a personal examination. If no room had been left for doubt, they would not have instituted such an inquiry in such a way.

Now, what that examination may disclose remains to be seen. If we can rely upon the evidence given before the House committee—if the Mexican witnesses who testified here are to be believed, rather than those who testified before the Mexican Commission, then this claim was (in the language of the report) a "naked fraud upon the Treasury, and was supported before the Commission by false testimony and forged papers." The question is in a fair way of being adjudicated before a judicial tribunal, where both sides will be heard, and the truth satisfactorily ascertained.

I would not be understood, from any remarks which I have made, as expressing a belief that this claim is well grounded. I think there are many suspicious circumstances about it. Witnesses have testified before the House that many of the papers were forged, and swear in good set terms that there is no foundation for this claim of their own knowledge.

I will not, upon an *ex parte* examination of this sort, (especially where the number of witnesses introduced upon another occasion, and before another tribunal, is about equal, and for aught I know equally reliable in regard to the character of this claim,) undertake to say that the Gardiner claim is either well or ill-founded; but I do concur with the committee in the fullest manner, in saying, that so far as the testimony before the House is concerned, it was a naked fraud upon the Treasury, supported by perjury, and sustained by forged papers.

But the legitimate business of this committee was to inquire into the connection of the Hon. Thomas Corwin with this claim, and the character of that connection. I had not anticipated such an inquiry, and such a discussion upon the bill itself. I know little of the rules of this House; less of the chances of reaching anything. I did suppose, perhaps, that in the process of time, perhaps while I was a member of this body, this report of the committee would be reached for the action of this House. But I did not suppose that such an illegitimate discussion as this would spring up upon this bill. To that subject, I will address a few considerations.

The resolution was an assault upon the Secretary of the Treasury. It was introduced and accompanied by a speech from the gentleman from Ohio, [Mr. Olds,] which, according to my recollection of it—I have not seen it since—"breathed threatenings and slaughter" to the Secretary of the Treasury. How far what was stated in that speech is supported by what has since been found by the committee, the House will judge. The best commentary upon that attack will be found in a single paragraph of the report itself. It is in these words:

"No testimony has been adduced before the committee proving, or *tending* to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been, or were to be, procured to sustain the same."

I have but a very slight acquaintance with the Secretary of the Treasury. He is not my friend, and I have no purposes connected with private friendship to serve by any action of mine in this matter,—none on earth but the purposes of truth and justice. Neither am I his foe, and therefore have no personal grudges or private griefs to gratify. Can the gentleman from Ohio [Mr. Olds] say as much? If I had, I should think it was not the best evidence of high courage to assail the Secretary of the Treasury when and where he had no opportunity to reply. I am, however, constrained to say that I think it would be very high evidence of that "better part of valor," which is discretion, to omit doing so where he could reply, for it has been more than hinted of that distinguished gentleman, that if he would, he could "bite like a serpent, and sting like an adder."

I think we degrade our Government and bring reproach upon our institutions, by our wholesale and indiscriminate abuse of our public men. No sooner is a man a candidate for a public station, than those who are opposed to him, politically, and are connected with rival party associations, begin to assail him. This could be tolerated; but when a man is holding a high official station we are quite too apt to follow up this line of attack, and impute to him corrupt motives, because, forsooth, he differs from us upon party questions. It seems to me that it would be well if party feelings would not lead us to overstep the bounds of fair discussion or violate the common courtesies of life. I do not suppose, because an individual in public station differs with me—because he is arrayed upon another side, politically, from me—that therefore I am permitted to impute to him improper motives. My duty rather is, in the absence of evidence, to believe that his motives are as pure as my own.

Now, a few words more in regard to the connection of the Hon. Thomas Corwin with the Gardiner claim, and I shall have done. The claim of Doctor Gardiner was presented to the Board of Commissioners on the 30th of November, 1849. The claim was for loss of property in certain silver mines, in consequence of his expulsion from the State of San Luis Potosi, in 1846. On the 12th of March, 1850, the claim was adjudged to be a valid one against Mexico, under the 26th article of the treaty of 1831; but the amount of the claim was not then ascertained, and the mere question of law was determined by the Commissioners according to their custom. It was a proper subject of inquiry, and the amount to be allowed was to be ascertained upon a further examination. If this claim was a valid one, it became the duty of the Government, under the 15th article of the treaty of February, 1848, to pay it. On the 15th of April, 1851, the Board settled the amount to be allowed. They allowed to Doctor Gardiner $321,560, and they allowed to W. W. Corcoran, an assignee of one fourth part of this claim, the sum of $107,187, making in all, for the Gardiner claim, $428,747, and that amount was paid to these parties out of the Treasury. A portion of the money deposited by Doctor Gardiner in other hands is now held by an injunction, prayed out upon application by the United States. The amount thus held is on deposit with Corcoran and Riggs, ($93,000,) which is subject to a letter of credit of £2,000, and another lien of $10,000. There is also enjoined in the hands of a life and trust company in the city of New York, $130,000. These moneys were deposited by Dr. Gardiner in the hands of individuals, and are reached by the process which the Government has prayed out.

Now, the Secretary of the Treasury, Mr. Corwin, then a member of the Senate, was employed by General Waddy Thompson, the attorney of Dr. Gardiner, upon an agreement on the part of Thompson to pay him five per cent. on his own fees, which fees were to be fifteen per cent. upon the sum allowed. Waddy Thompson was the original counsel for Dr. Gardiner; he became acquainted with him in Mexico, while he (Thompson) was accredited as our Minister to that Government. He undertook the prosecution of this claim for a compensation of fifteen per cent. upon the sum to be allowed by the Commissioners; and he employed the Secretary of the Treasury, then a member of the Senate, upon an agreement to pay him five per cent. out of his own fees, which is one-third of Mr. Thompson's fees for prosecuting the claim. Now, whether he was induced from one consideration or another to employ Mr. Corwin to assist him in prosecuting that claim, seems to be a matter of little consequence. Whether it was because of the superior intellectual power of Mr. Corwin, or the personal influence which he had been enabled to acquire—whether it was in consequence of the station to which he had attained by his own merit—or whether for any other cause, probably could not be very well settled by a committee of this House, or by the House itself; nor is it, in my judgment, of any importance to inquire. The engagement was made in May, 1849. In June, 1850, the Mexican Commission, as it is called, adjourned to meet again in the month of November, of the same year.

At the time when the Board adjourned, Mr. Corwin had acquired an interest in this claim, in connection with Mr. Robert G. Corwin, by purchase. He was induced to make that purchase by Robert, his relative, and Gardiner found it necessary to make a sale of a portion of his claim, to meet the expenses of its prosecution. The Board had then come to no definite conclusion as to the amount to be awarded, and did not do so until the month of November in the succeeding year. During the recess of this Commission, Mr. Corwin was tendered a seat in Mr. Fillmore's Cabinet. He was unwilling to take it while he was interested in claims before this Mexican Board. Governor Young, of New York, now deceased, desirous that he should take a seat in the Cabinet, interposed to negotiate a sale, and the sale was negotiated, of all Mr. Corwin's interest in these claims, which were first the Gardiner claim, and then thirty-six other claims, pending before this Mexican Commission. He made sale, through Governor Young, of all these claims, thirty-seven in number, before he received the appointment of Secretary of the Treasury, in the month of July, 1850. He sold them in good faith, and he sold them unconditionally.

Now, what does the gentleman from Ohio [Mr. Olds] mean, when he says that the sale was a farce? Sir, the sale was an unqualified and unconditional one, made anterior to Mr. Corwin's acceptance of a position in the Cabinet. This is sworn to by George Law, sworn to unqualifiedly as a *bona fide*, unconditional sale made by Mr. Corwin to him, he being the purchaser, previous to Mr. Corwin taking his seat in the Cabinet. Mr. Speaker, does any gentleman upon this floor mean to impeach the veracity of George Law? Is there any man here who will volunteer to do that? He does not, I believe, belong to the same party with the Secretary of the Treasury, but accords in his political opinions with the gentleman from Ohio. He swears unequivocally to this purchase. Is he to be believed? Why, sir, one would think that with the reputution which he enjoys in this country, he was entitled to credit, unless there was some contradictory proof, some evidence from somebody that contravened his statement. But, sir, Mr. Law is fully corroborated by the testimony of James S. Thayer, a gentleman of the legal profession in the city of New York, known to many of us as a man of integrity and a lawyer of distinction. He, too, swears unequivocally to this purchase. He says he was one of the individuals who estimated these claims, under an agreement testified to by the other witnesses; that he assisted Governor Young to fix the price which should be paid by Mr. Law, and which Mr. Corwin should receive. Governor Young died before this investigation was had, and Mr. Corwin could not, therefore, avail himself of his testimony.

There is also another witness who was familiar with this transaction—Robert G. Corwin—who swears to the same negotiations, and that he participated himself in the appraisal of these claims. There are several other witnesses who speak of this sale incidentally, having knowledge of it in the progress of the negotiation. Now, sir, in order to sustain the charges against Mr. Corwin, it becomes necessary to trample upon the testimony

of all these gentlemen, to convict them all of perjury, although they are men of high reputation and of unimpeachable integrity. Is this proposed to be accomplished by proof? There is none—not a particle of evidence, from the beginning to the end of the inquiry, that conflicts with the testimony to which I have adverted. Is the testimony to be overcome in any other way than by contravening evidence? Why, sir, to denounce an individual is easy, exceedingly easy, as gentlemen here have all very often had occasion to know. But, sir, something besides the mere breath of an accuser, who has no personal knowledge himself, and pretends to none in regard to the facts, will be required to overthrow the uncontradicted proof which has been brought before the committee in regard to this sale.

It is true, Mr. Speaker, that the written transfer of this interest was not made until the month of November, 1850; but it was made before the Mexican Board reconvened; and not only that, but the money, according to the testimony, was in fact paid in dollars before that Board reconvened in November. Hence, sir, it is incontrovertibly proved that the Secretary of the Treasury, *before* he took office under this Administration, divested himself in good faith of all the interest which he had in any of these claims, whether as purchaser or as counsel. In regard to the legal right of Mr. Corwin, while a member of the Senate, to act as counsel for claims, or to be interested in claims before a board of commissioners, there can be no diversity of opinion among the members of this House. Such has been the uniform practice for a long series of years. Such is the prevailing practice now. I might, then, sir, well inquire, Why this hue and cry at the heels of Mr. Corwin? If, while a member of the Senate, he has acted as counsel for claimants against the Government, so have all his fellows. If he has appeared before the Supreme Court to prosecute claims against the Government in a legal inquiry before that tribunal, so have his fellows. If he has appeared before a board of commissioners to prosecute claims, such has been the practice of those who have acted in the Senate with him. Then why this hue and cry about him? The gentleman from Ohio [Mr. OLDS] complains of "hired letter-writers" and "paid telegraphers" who have undertaken to give a direction to public sentiment upon this subject in favor of the Secretary of the Treasury. If it is matter of complaint that, after the attacks of the gentleman from Ohio upon the Secretary, telegraphers and letter-writers have informed the world how the investigation terminated, what should be said of the pack that has been unkenneled upon the Secretary, and given tongue upon his trail for a series of years. Their business has been to assail him "in season and out of season," and now that the facts are ascertained, the country can judge of their motives and their success.

I understood the gentleman from Ohio to say at one time that there had been no sale by Mr. Corwin—that the whole thing was a farce; and at another time, I understood him to say that Governor Young was the real purchaser, and that George Law was a man of straw; or, to use his own language, was made to act the dummy on that occasion. Well, Mr. Law swears that he purchased the claim, and he swears that he paid for it with is own money. Does the gentleman mean that ah man who makes his own purchase, and pays his own money, according to his agreement, is a "dummy?" If he is, he certainly sets a good example. But, suppose Governor Young was really to have the benefit of this purchase, of which there is no pretense of proof, what then, and who would have a right to complain? The time has gone by when it will answer any good purpose to abuse Governor Young. While he was living, he might have been affected, like other men, by such attacks; but I believe he is now beyond the reach of any man's venom. He lived honored and died lamented. Whether he was the purchaser or not, I do not know, nor is it important to inquire. The sole inquiry for us is, Was Mr. Corwin interested, while he was Secretary of the Treasury, in these claims? If he was not, why, then, there is an end of the inquiry, and there ought to be an end of the abuse. Mr. Law swears distinctly and unequivocally that he was the purchaser of the claim, and that he paid the money.

Mr. Speaker, I feel bound to say, in regard to this claim, as it was presented before the Mexican Board, that I think it was sustained in all its parts in the best possible way by proof, so far as the Board could see, and so far as anybody else could see, who had any connection with it as counsel. The testimony was taken according to law; it was detailed, it was minute, it was circumstantial, and there was much of it. Indeed, sir, one of the witnesses, who was clerk to the Board, testified that it excited suspicion in his mind, because it was so well and circumstantially supported. It was of a character, which overcame the previous prejudices and preconceived opinions of Mr. Johnson, as he swears, who was, for a time, clerk of that Board. Much of it was procured after Mr. Corwin's connection with the matter ceased. Now, sir, there is no reasonable pretense, that if the testimony was false, or the papers forged, Mr. Corwin had any knowledge of that fact. The committee found—(and a majority of them were not the political friends of Mr. Corwin, be it remembered)—that no testimony had been adduced before them proving, or tending to prove, any knowledge on the part of the Secretary of the Treasury, that the claim was not entirely just. And now, Mr. Speaker, what does the gentleman from Ohio mean when he speaks of "a spurious acquittal?" Does he mean to say, that the committee did not arrive at a correct result, in view of the evidence?—that by reason of a want of intelligence or of a want of integrity, they did not come to a right conclusion? A spurious acquittal! We unanimously found, and without a dissentient voice upon the committee, that there was no evidence before us, proving or tending to prove any knowledge on the part of Mr. Corwin of any want of merit in this claim, or of any foul practice in regard to it.

Now, Mr. Speaker, it is due to the committee, as well as to the Secretary of the Treasury, to say, that all the witnesses who speak at all upon the subject, testify that Mr. Corwin, ever after he made that sale in July up to the time when this case was decided by this Mexican Commission, uniformly, on all occasions, refused to consult with the parties or the counsel in regard to these claims in any way or manner. He refused to give the least advice as to the mode of proceeding, or to have any more to do with them than an utter stranger.

Again: It is due to Mr. Corwin to advert to a fact as testified to by the attorney of this District, that in endeavoring to detect and expose the supposed fraud connected with this claim, after there came to be a clamor about it, no man was more diligent, no man was more active, no man was more energetic than the Secretary of the Treasury, doing his whole duty, and doing it with all his strength, and with all his heart, in good faith, as an honest man and a conscientious officer of the Government. He sought by all the means in his power to restrain these moneys, and to hold on to them wherever they could be found until this whole subject could be investigated.

Sir, I think that something is due to the Secretary of the Treasury—some action upon the part of this House evidential of its confidence in his purity, and in his fidelity in endeavoring to detect this fraud and bring the offender to punishment. But what have we in the House of Representatives, or what has a committee of this House, to do with the conduct of a Senator, or what has the Senate to do with a member of this body? If the propriety of the conduct of a member of either body were to be discussed by the other from day to day, there would not be business enough for both branches; but the warfare would be a fruitless and unprofitable one, in which no laurels would be won.

It has been customary to take some liberties with the Executive in these discussions, and that has been often done, without any great regard to delicacy; but I presume the friends of the Secretary of the Treasury would interpose no objection to a full examination into his conduct while he has occupied his present elevated official position. So far, then, as Mr. Corwin is concerned as Secretary of the Treasury, if there is any faith to be put in the testimony of highly-respectable witnesses, whose testimony is wholly uncontradicted, he went into that Department wholly divested of every and all interest in what are called the Mexican claims. He was so exceedingly sensitive in this matter, and so scrupulously careful, that, as one of the witnesses testifies, he remarked to him, that unless the money was paid into his hands before that Board reconvened, he would throw his Mexican claims into the Potomac or resign his seat in the Cabinet. He would not be in such a condition that an enemy could impute any wrong to him.

Now, Mr. Speaker, I have said all that, as a member of the committee, I feel it my duty to say at this time. It matters not to me to what party the Secretary of the Treasury belongs; I would interpose nothing to shield him if he was wrong, while I would protect him, as I would a man of any other political party, if he was right. I think the testimony which has been taken by this committee, and reported by them to this House, shows in the clearest and most satisfactory manner, that whatever he did while a member of the Senate, was done in pursuance of a very generally prevailing custom, which has not heretofore been found fault with by the members of any party; that so far as his action since he has been Secretary of the Treasury is concerned, he has done nothing that is blameworthy; that as to these claims which were presented to this Mexican Commission, he had divested himself of every kind of interest before he accepted a seat in the Cabinet, and that since that time he has had no connection with them nor consultation about them. It is time that the calumnious clamor against him should cease.

THE GARDINER CLAIM, &c.

SPEECH OF HON. N. BARRERE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 11, 1853,

On the subject of prosecution of Claims against the Government by Members of Congress, &c.

Mr. BARRERE said:

Mr. SPEAKER: I had not expected to address the House this morning. I would have preferred submitting my remarks after hearing from the other side, or at any rate after hearing from another member of the committee, who I understand intends to present his views on this subject, and differing perhaps from those just presented by the honorable gentleman from Connecticut, [Mr. CHAPMAN.] But this being as convenient a time as will probably occur to me, I shall proceed now.

Mr. Speaker, I feel it to be my duty—representing as I do a portion of the people represented for a long time in Congress by Mr. Corwin, with great acceptability to them, and distinguished credit to him—to participate in this discussion. I do not propose to enter upon the merits of the bill now before the House. I have not found it necessary for my present purpose, to look into it with any degree of care. I shall examine it before I am called on to vote upon it, and if upon examination I think it necessary or useful, towards preserving the purity of the Government, or the purity of the action of the two Houses of Congress, I shall support it by my vote.

I have for a long time looked upon Mr. Corwin as one of our most prominent men; distinguished alike for his high intellectual endowments and the purity of his moral character. He has ever been a favorite in Ohio, and when I use that word, I mean a favorite with the people of the State generally—with Whigs and Democrats. In that part of the State in which I am best acquainted, I may safely say, that the high estimate of his character is not confined to any party, but that he holds an exalted place in the affections of the people of all parties. In early life Mr. Corwin was comparatively poor, and had to struggle with the disadvantages incident to our then wilderness country; but by his talents and energy he has risen to his present position. He has, unaided, and with but few advantages, risen from the humbler walks of life to what we consider one of the highest positions, morally and intellectually, as well as politically, that any gentleman occupies in the country. I do not pretend to an extensive acquaintance with distinguished men, and have not that high appre-

ciation of what are called great men, that some persons have. I believe, among cultivated men of clear heads and honest hearts, there is not that vast difference that is sometimes supposed. Much depends upon circumstances. Men of fixed purpose, sound common sense, and incorruptible integrity, possess the elements of greatness, and will, when placed in the proper positions, generally prove themselves to be men of ability. This, however, is but mere speculation; for there are a few, and but a few, who stand out in bold relief as greatly distinguished, and who command the admiration and respect due to really great minds. The characters of such men are invaluable to the country; and while it is the duty of this House to expose unsparingly corruption in high places, it is equally the duty, and ought to be the pleasure, of the House to shield and protect the reputations of deserving men from wanton and unjust aspersions.

Since I have been a member of this House, I have made it my business to observe, with as much scrutiny as I could, the persons of distinction whom I have had the pleasure of seeing in this city; and I have endeavored to satisfy myself as to the relative claims of each and all of them to the consideration accorded to them by their respective friends. Not long since, I heard with great pleasure the eloquent eulogies delivered in this House upon the character of Mr. Webster. All seemed to agree that he was the great intellectual giant of the age. I fully concurred in that opinion. With the exception of Mr. Webster, I have come in contact with no man in the District of Columbia, who, in my opinion, is the intellectual superior of Thomas Corwin. He is prized at home, however, much more for his high character for purity, honesty, and integrity, than for his mental capacity. His neighbors are proud of his attainments and his abilities; but on account of his noble, generous nature, and his incorruptible integrity, as they believe, they love him. No suspicion of dishonesty ever rested upon him in the country where he has lived most of his life. He is looked upon by the people there as their safest adviser in matters of the highest individual interest, and in all the situations of life in which men desire counsel or advice, I know of no man in the section of the State where he resides, that is consulted so much in matters pertaining to private interests and the social condition of his neighborhood. No man anywhere ever enjoyed the entire confidence of his neighbors more fully than Mr. Corwin. They look with deep interest upon this proceeding, as they do upon everything that involves his character and standing.

I was highly pleased the other day with the remark of the honorable gentleman from Maine, [Mr. SMART,] when speaking upon another subject. He said that it was the duty of the Government to protect its humblest citizens; and he thought that the Government of the United States appeared in its highest and best character, when affording protection to the rights of the humblest of her citizens. I thought with him. But I do not think the right of property or liberty, more worthy of protection, even in the humblest citizen, than the character and good name that he may possess. Why, Mr. Speaker, we do throw around the private citizen the broad ægis of the law, as a shield to protect, not only his person and property, but his reputation and character. The high and the low, the rich and the poor, are equal in the eye of the law. They have equal legal rights, and ought to have equal protection. But reasons of State policy, founded in justice and the very spirit of our institutions, have made it imperiously necessary to withhold from men in official positions that protection to character which is afforded to private citizens. The private citizen may resort to the law when he is assailed in his character. But the politician, the office-holder, must depend upon the justice of public opinion. Inquiry into the conduct of public men must be free and untrammeled, as a security against corruption, and to protect liberty itself. But as public opinion is the only protection afforded to a public man, we ought to be as sedulous and earnest in our efforts to shield the honest and faithful public servant from unjust assaults, as we are to expose the dishonest and corrupt. Public opinion ought, at least, to afford as energetic and powerful a means of defense for the good name and character of our public men, as the law affords for the protection of the reputation and property of private citizens. If we have any security in this country for good government, for liberty, and for all that we prize highly, it is found in the honesty, integrity, and uprightness of the people, and in the due appreciation of the worth and value of pure and honorable public men.

Mr. Speaker, the Special Committee who reported the bill under consideration, sat during the recess, and acted under the authority of the following resolution:

"Whereas a strong suspicion rests upon the public mind, that fradulent claims have been allowed by the late Mexican Claims Commission, with one of which it is suspected that Thomas Cowin, of the Treasury, has been improperly connected; therefore

"*Resolved*, That a committee, consisting of five members of this House, be appointed to investigate all the facts touching the connection of the said Thomas Corwin, the present Secretary of the Treasury, with the Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly or indirectly, in said claim, and the amount paid or stipulated to be paid therefor as condition of said purchase; what time he ceased to act as counsel or agent of said Gardiner; to whom and for what consideration he disposed of his interest; to whom and for what consideration he disposed of his one fourth interest in said claim."

The committee made their report in the recess. They directed their inquiries to two points. First. Was the claim of George A. Gardiner, as allowed by the Board of Commissioners under the treaty of Guadalupe Hidalgo, meritorious or fraudulent? Second. What was the connection of the Hon. Thomas Corwin, the present Secretary of the Treasury, with said claim?

On the first branch of the investigation, the committee in their report say:

"From the evidence before the committee, (the above being only a summary of the more important facts testified to by the witnesses,) the committee are constrained to believe, upon the first branch of the investigation committed to them, that the claim of George A. Gardiner, upon which an award was made by the Board of Commissioners for the sum of $428,750, was sustained before the Commissioners by false testimony and forged papers, and is a naked fraud upon the Treasury of the United States. Of the amount awarded, $93,000, on deposit, in stock and money, with Corcoran & Riggs, to the credit of Gardiner, subject to two charges—one a letter of credit to George A. Gardiner on George Peabody, of London, for £2,000, and one his letter of credit to his brother, John Charles Gardiner, for $10,000—have been enjoined; and also $130,500 deposited to the credit of George A. Gardiner, with the Life Insurance and Trust Company, in the city of New York, have been enjoined at the suit of the United States, and are now retained under injunction. The sum of $94,582 was paid to counsel, and $107,187 50 was paid to the assignees of the one fourth of the claim originally sold to Thomas Corwin and Robert G. Corwin."

In relation to the other branch of the investigation, the committee say:

"In May, 1849, the Hon. Thomas Corwin, then a member of the United States Senate, was employed as counsel in the Gardiner claim by General Waddy Thompson, the original counsel of Gardiner, upon an agreement that Mr. Corwin should have for his fee five per cent. on whatever sum should be awarded to Gardiner by the Commissioners. In February, 1850, Thomas Corwin, in company with Robert G. Corwin, Esq., purchased one fourth part of the claim of Gardiner, and this fourth part of said claim was assigned, on the 13th of that month, to W. W. Corcoran, Esq., who loaned money to the Messrs. Corwin to purchase it, and held the claim for Messrs. Thomas and Robert G. Corwin, in equal shares, as collateral security for the payment of the loan. The Messrs. Corwin paid $22,000, and relinquished their fees on the one fourth of the claim purchased by them, and paid a part of Edward Curtis's fees—what amount does not appear—as the consideration for the purchase.

"The Hon. Thomas Corwin resigned his seat in the Senate, and accepted the appointment of Secretary of the Treasury, in the month of July, 1850. In the same month, and previous to his going into the Cabinet of President Fillmore as Secretary of the Treasury, a sale of his fee interest in, and also of his half of the one fourth part of the Gardiner claim, was negotiated, through the intervention of Governor John Young, of New York, to George Law, Esq., of New York. From this time the said Thomas Corwin refused to act as counsel, or consult with the other counsel who had been associated with him, in relation to the same, and took no further part in the prosecution of the said Gardiner claim. The assignment of his fee interest, and his interest in the one fourth part of the Gardiner claim, and all his interest in all other claims before the Board of Commissioners, (thirty-seven in number,) was executed by Thomas Corwin to Jacob Little, of New York, in November, 1850, and the money for the purchase was then paid by George Law, to whom the assignment to Jacob Little was at that time transferred. The money for the sale, $80,357, was received by Thomas Corwin, and on the 23d of November was deposited by him to his credit with Messrs. Corcoran & Riggs.

"No testimony has been adduced before the committee proving, or tending to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been or were to be procured to sustain the same."

Now, sir, it is said that this report does not acquit Mr. Corwin of the charges preferred against him. It is difficult to determine what charges were preferred against him. But in the opinion of the committee, they involved an inquiry into the merits of the Gardiner claim. No express authority was given to the committee to inquire into the character of the Gardiner claim. But the several matters set forth in the resolution could not be investigated, they thought, so as to ascertain whether Mr. Corwin's connection with that claim was improper, without first ascertaining the character of the claim itself. If the committee could have made the investigation required at their hands, without inquiring into the merits of the Gardiner claim, they ought by all means to have done so. His case is before the proper judicial tribunals of the country, undergoing a rigid investigation. Two civil suits are pending against him, and two criminal prosecutions are now in preparation for trial. The whole policy of our laws and the whole spirit of our criminal jurisprudence are against any investigation into the merits of his claim by this House, while those suits are pending against him in court. He is entitled to a fair and an impartial trial, and any investigation of the merits of his claim here, is calculated to defeat that constitutional right, or at least to prejudice it.

But as a high public functionary of the Government was charged with improper connection with the Gardiner claim, public policy imperiously required that any prejudice that might result to Gardiner from an investigation into its merits should be disregarded, in order that the conduct of the Secretary of the Treasury should be inquired into, and either exposed or vindicated.

The committee, therefore, thought it to be their duty to inquire into the character of the Gardiner claim. They determined that the propriety or impropriety of Mr. Corwin's connection with it depended, in the first place, upon the honesty or dishonesty of the claim itself. In this I think they were right; for it is evident that, unless the claim be fraudulent, the whole charge falls to the ground. This view is further sustained by the fact, that although Mr. Corwin was connected as counsel with thirty-six other claims before the Board of Commissioners which are not questioned, no one has pretended that his connection with *them* was improper.

Having decided the Gardiner claim to be fraudulent, and sustained by perjury and forgery, the committee next inquired into Mr. Corwin's connection with it, and after stating the facts, showing the nature, character, and extent of that connection, they concluded that there was no evidence before them proving, or tending to prove, that Mr. Corwin knew the fraudulent character of the claim. If, then, Mr. Corwin has not been exonerated and acquitted by the committee, of the charge preferred against him, he has been improperly connected with the crimes of perjury and forgery, and instead of being Secretary of the Treasury of the United States, he ought to be within the walls of the penitentiary of this District. This position cannot be avoided. The committee have either acquitted him, or they have shown facts that make him *particeps criminis* in the crimes of perjury and forgery. From the facts exhibited, it is clearly shown that his connection with the claim, if improper, is so because the claim is fraudulent and sustained by perjury and forgery, and for no other reason.

This is a grave charge to be brought against any man. The committee report that there is no evidence going to show any such guilt; that there is not a particle of proof tending to show that he had any knowledge whatever of the fraudulent character of the claim, or of the proofs adduced to sustain it. Yet my colleague [Mr. OLDS] says that is no acquittal.

I have had some experience in practicing law. We have an action in my State, and I suppose it is an action in use throughout the country, and not only so, but in every country where the common law obtains—(It was truly said by the gentleman from North Carolina, [Mr. VENABLE,] the other day, that liberty exists nowhere except where the common law prevails)—I repeat, wherever the common law has obtained, the action for malicious

prosecution is known. Where a person is charged criminally by another, and on trial, the prosecutor fails entirely to sustain his charges by proof, the person charged has a right to an action for malicious prosecution. If, in one of our courts, a citizen were charged with a heinous offense, and the prosecutor should fail to produce a *shadow of proof* to sustain the accusation, and afterwards upon a trial for malicious prosecution between the same parties, the defendant should fail to provide evidence, either proving or tending to prove the truth of the charge he had previously preferred against the plaintiff, what would be the conduct of the jury in such a case? I hazard nothing in saying, that damages would be awarded by a jury, in any court in the country. Yes, sir, actions for malicious prosecution are known to all of us, and they are always sustained, where a party has brought a charge against another which he has produced no proof whatever to sustain. Where a party produces evidence showing that he had reasonable cause to institute the prosecution, in such a case there would be evidence tending to prove the truth of the charge; and though it might not show guilt, still the defendant might be relieved from damages on account of malice. But in a case where the party fails to produce any evidence tending to prove the truth of the charge, our judges will charge the jury that a case was fairly made out, entitling the plaintiff to vindictive damages.

Mr. Speaker, I have examined this testimony with care. I am not disposed to question anything that the committee have done. They have embodied in their report a summary of the facts that occurred to them as the most important; and, so far as they go, they are correct. But there are some other proofs furnished to them, and taken by them, which are not embodied in the report, and which were not necessary to be put in the report, that I think may be profitably adverted to. The committee say, and the gentleman who has just taken his seat, who was a member of the committee, repeats, that there was no evidence of any sort or description tending to show in the slightest degree that Mr. Corwin had any knowledge that a fraud was about to be perpetrated upon the Government. I think a close examination of the testimony will satisfy every unprejudiced person, not only that Mr. Corwin had no knowledge of the contemplated fraud of Gardiner, if his claim is really a sheer fraud, but that all the testimony in the case before the Board while he was connected with the claim, and when it was finally allowed, showed an honest, fair case. I will say further, that the evidence before the Board of Commissioners in favor of the claim was far stronger than is the testimony before the committee that it is fraudulent. The testimony was entirely satisfactory, in the absence—which was the case—of any suspicion of its not being genuine.

In the first place, Mr. Corwin never knew Dr. Gardiner until after the treaty was made and the Board of Commissioners had been established and organized. He was then employed in the case, not by Gardiner, but by General Waddy Thompson, a man of high character in the country—a man who had served with him in Congress for a number of years, whose integrity and honor had never been questioned, and who had been our Minister in Mexico. Thompson had known Gardiner in Mexico from 1842 to the latter part of 1843, or early in 1844. He had made his acquaintance when he first went to Mexico, Gardiner having been the chairman of the committee of the American citizens residing in the city of Mexico to invite General Thompson on his arrival there to a public dinner. Gardiner was in the city of Mexico practicing his profession at that time, and engaged to some extent in mining operations. In the fall of 1843, or early in 1844, he left for the interior, and said he was going to look for mines. Thompson saw no more of Gardiner until late in 1848 or early in 1849, in this city, when his first inquiry was to know of Dr. Gardiner whether he had made a fortune in mining, when Gardiner told him of his operations and his losses. Mr. Gardiner had letters from Hon. Jefferson Davis, Solomon W. Downs, Colonel Gates, Dr. Hitchcock, and other distinguished American officers, who had been in the army in Mexico, representing him to be a man of honesty and integrity.

It was natural that Dr. Gardiner should apply to General Thompson, from their acquaintance and his high professional character. After proper consultation, and hearing from Gardiner the nature, character, and extent of his claim, as he alleged it, General Thompson engaged to prosecute the claim before the Board for fifteen per cent. upon the amount that should be finally awarded. Mr. Thompson employed Mr. Corwin, and agreed to give him five per cent. upon the amount that should be finally awarded out of his fifteen per cent. This was the precise manner of Mr. Corwin's first connection with the claim, as General Thompson swears. Thompson, when he was retained, as he states, reserved to himself the right of employing such additional counsel as he desired, to be paid out of his own fee. Mr. Corwin was not employed by Gardiner or to be paid by him. There was surely nothing at that time to excite suspicion in the mind of Mr. Corwin. There is scarcely a man in the United States who could procure better testimonials, if he desired to use them in the furtherance of his rights, than Dr. Gardiner had obtained when Mr. Corwin first became acquainted with him.

In May, 1849, Mr. Corwin was employed. During the summer and fall of 1849, Dr. Gardiner went to Mexico to procure the necessary legal proofs to sustain his claim. On the 30th of November, 1849, the memorial of Gardiner was filed, and the proofs that had been then procured. In February, 1850, Robert G. Corwin, Esq., bought one fourth of the claim from Gardiner, and in the arrangement the Secretary of the Treasury became the owner of one half of that fourth.

On the 12th of May, 1850, the claim was passed upon by the Board as a valid claim. In July, 1850, Mr. Corwin sold out his interest in the Gardiner claim and all other claims (thirty-six in number) in which he was interested, then pending before the Board of Commissioners, to George Law, and at that time resigned his seat in the Senate, and afterwards became a member of the Cabinet. This whole transaction took place while Mr. Corwin was a Senator, and no part of it since he has been Secretary of the Treasury. I make no question of the right of this House to inquire into the conduct of a Senator of the United States, although I think it has not that right. If Mr. Corwin is culpable in this matter, I do not desire that he should be shielded from exposure because of any plea to the jurisdiction. I desire the fullest investigation.

I will now endeavor to show the character of the proofs that were before the Mexican Claims Commission. For this purpose I will quote the whole of General Thompson's testimony:

Waddy Thompson appeared as a witness, and was sworn. Witness resides in Greenville, South Carolina. He was counsel in the case of George A. Gardiner.

Please state what you know in relation to the claim of George A. Gardiner, and any interest or connection which Thomas Corwin had in the same.

Answer. I do not know that I have any information in reference to that claim, other than that which is furnished by the papers submitted. I first became acquainted with Dr. Gardiner in the city of Mexico, on the 25th of April, 1842, a few days after my arrival there as Minister from the United States, when he called upon me as chairman, or the first named, of a committee appointed, at a meeting of the American citizens in Mexico, to invite me to a public dinner. The letter of invitation was presented to the committee of the Senate engaged in an investigation of the Gardiner claim. I thought I had the original with me, but in the haste in which I left home—a few hours after the arrival of the messenger—I neglected to bring the original with me. I met Dr. Gardiner occasionally, as I did other American citizens, while in Mexico; had no special intimacy with him, nor any knowledge of his pecuniary circumstances, further than a general impression, derived from him and other Americans in Mexico, that he was engaged in a profitable business—that of a dentist and physician. Shortly before Dr. Gardiner left the city of Mexico, which was in the fall of 1843, as I understood and believed, (for I never saw him there afterwards, until I left, which was about the middle of March, 1844, he called upon me to request that I would give him a letter to some naval officer, who he had understood was at Acapulco, asking for him a passage in his ship to Mazatlan, or some place on the Pacific coast, as there were very few commercial vessels in that quarter, and it was difficult to obtain a passage. I complied with his request. I asked him why he was leaving Mexico, as I had understood he was making money. He said that he was; but that he thought he could do better, and that he was going to look for some mines of which he had received information. I never saw or heard of Dr. Gardiner again until I met him on the avenue, in this city, late in December, 1848, or in January, 1849. I did not at first recognize him; when I did I said to him, I hope you have made a fortune by those mines you were in pursuit of. He then told me that he had a claim before the Mexican Board about to be established, for losses by his expulsion from his mines. He called a few days afterwards, and submitted his papers to me. Some of those papers were submitted in the form in which they then were to the Board; others, not conforming to the rules prescribed by the Board, were not presented. They were the same in substance, and generally the depositions of the same witnesses, afterwards presented, Dr. Gardiner having gone to Mexico to have them put in the required form. Among the papers first presented was the book of account of daily expenditures and receipts. My connection with the case was strictly and exclusively professional, and confined to written instructions given to Dr. Gardiner, as to the form and character of the testimony which he should get. The original of these instructions is in possession of the committee of the Senate, a copy of which—herewith filed, and marked Exhibit No. 10—I desire shall be taken as part of my testimony, and to written arguments presented to the Board. I never conversed nor had any communication with either of the commissioners on the subject of the claim, except to say to one of the commissioners, in January or February, 1851, that I desired, if there was no reason to the contrary, that the amount of the award might be fixed, as I was about to make a contract which would depend upon it. Some time in the fall of 1849, or early in 1850, Dr. Gardiner called at my room and told me that he had been advised to employ Major Lally in this case. I protested strongly against it, and said it would be an act of great injustice to me to do so—to employ him or anybody else without my consent. I knew nothing of Major Lally or his character which would justify any imputation on that account, but I knew that such imputations would be made, as he was nearly connected with one of the commissioners, and, as I had been informed, was not a lawyer; and that he (Gardiner) had certainly counsel enough. He replied that that was his own judgment, and that he would not employ him, and with some strong asseveration that if the commissioners thought proper to reject his claim they might do it; that he had once worked for his living, and he would do it again. I left this city about the 7th or 8th of March, 1850, for South Carolina, and returned about the 20th of April. While I was absent Major Lally was employed by Mr. Edward Curtis, as Mr. Curtis informed me himself; he agreeing to divide with Major Lally his fees, which were five per cent. I submit a copy of the original contract between Dr. Gardiner and myself, which bears date the 28th June, 1849. The original was before the committee of the Senate. The copy submitted is a true copy, and is hereto annexed, marked Exhibit No. 11. It will be seen by that contract that I was to receive fifteen per cent. on whatever amount might be awarded. I said to Dr. Gardiner that if it became necessary to employ other counsel, I would do so without further charge to him. I employed the Hon. Thomas Corwin as assistant counsel, and agreed to pay him five per cent. out of my own commissions. I had no consultation about the case with Mr. Curtis or Major Lally: with the latter I never had even a conversation. With Mr. Curtis I had occasional conversations about the case, but never a consultation, in the meaning of that term as used by lawyers. With Mr. Corwin I had frequent consultations before he accepted his present office; never any afterwards. On one occasion, after Mr. Corwin accepted that office, I called upon him to consult about this and some other cases in which we were engaged. He said that before he accepted a place in the Cabinet he had closed his connection with those cases, and washed his hands of them, and that he could not in good faith even consult with me in relation to them.

Question by the committee. When were the first depositions filed?—were they filed with the memorial, or afterwards?

Answer. I think they were filed with the memorial; I am certain they were filed about that time. I am the more confident of this, because the only reason why the memorial was not filed immediately on the meeting of the Board in the spring of 1849, was that the copies and translation of the book of account of the mines, and some other papers presented, were not finished at that time, and it was desired to present them all together.

The first six depositions, viz: Juan Soto, Antonio Marin, William Penn Johnson, James B. Smith, Sebastian Pacheco, and William Jackson, were presented with the memorial, or about that time, to the best of my recollection, and these were all the depositions in the case when it was declared valid.

Question by the committee. Do you remember when the depositions which Dr. Gardiner presented after he returned from Mexico were filed?

Answer. I cannot give the precise date. I left Washington the 10th or 15th of October, 1850, and returned on the 19th of November, 1850. During my short absence, Dr. Gardiner returned from Mexico, and the papers had been presented before my return. My impression is that the title-deed was among the papers last presented, but the date of the official certificate to that title-deed will show whether it was presented then or before.

In answer to a question by the committee, witness says that Mr. Corwin was employed by me in May, 1849. Mr. Corwin went into the Cabinet of Mr. Fillmore on its first formation, in July, 1850; after that, so far as I know, he had no connection with or agency in the cases, but refused even to consult with me about them. It is known to everybody that prior to Mr. Corwin's going into the Cabinet he was a member of the United States Senate. The depositions above referred to, brought from Mexico by Dr. Gardiner on his last visit, were filed after Mr. Corwin went into the Cabinet.

Question by the committee. Were the first depositions taken under your instructions, or previously?

Answer. I think they were taken subsequent to my instructions, and were brought here by a person sent from Mexico by the agent of Dr. Gardiner, who arrived here just before the meeting of Congress, in 1849, which confirms my opinion that they were presented with the memorial.

Question by the committee. Were the title-papers to the mine before the Board when they decided that the claim was valid?

Answer. My impression is that they were not in the complete form in which they were afterwards presented; but

that there was a short official certificate of the existence of such title.

Question by the committee. Was Mr. Thomas Corwin consulted by you in reference to these instructions as to the testimony required?

Answer. I had full consultations with Mr. Corwin about the whole case. Mr. Corwin and myself, however, wrote separate instructions. I obtained the originals of both instructions from Dr. Gardiner a month or six weeks since, and handed Mr. Corwin those drawn up by him.

Question by the committee. What depositions, or testimony, were presented with the account-book and memorial of Gardiner to the Board?

Answer. As well as I remember, the first six depositions above referred to, and, I think, some papers certified by Mexican officers relative to Gardiner's expulsion, and the printed order expelling all Americans from the department, and the protest of Dr. Gardiner.

Question by the committee. What papers did Dr. Gardiner submit to you when he first consulted you?

Answer. The book of accounts, the order for his expulsion, and the official certificates referred to; his protest, and a mass of depositions, generally, if not entirely, from the witnesses whose depositions were afterwards presented, and stating substantially the same facts as were afterwards put in the form prescribed by the Commissioners. These depositions not being in the required form, others were taken from most of the same witnesses. Some of the witnesses to the depositions brought by Dr. Gardiner from Mexico, and first shown me, could not afterwards be procured by him, but most, if not all, afterwards presented in proper form, were brought with him when I first met him here, but not in the form in which they could be used.

Question by the committee. What was the difference in the form?

Answer. They were in the ordinary form of depositions, without any statement of the age, residence, place of birth, and occupation of the witness; or that they had no interest in the case, and that the officer before whom they were taken had none; and other matters required by the rule adopted by the Commissioners.

Question by the committee. Do you know anything of Mr. Corwin's purchase of an interest in this claim?

Answer. I do, as I have heard it from both parties. The negotiation and contract were by Mr. Robert G. Corwin, in January or February, 1850. I did not know until some months afterwards, that Mr. Thomas Corwin had any interest in the purchase. Dr. Gardiner consulted me as to making the contract. I advised him to do it. My reasons for that advice were, that he was obliged to return to Mexico, and he had no funds; that I thought, from what he had told me, that with the money obtained from that sale he would be able to compound with creditors in Mexico, who he told me had extorted upon his necessities, and thus indemnify himself for his loss on that sale. The other reason was, that the claims presented to the Board were three or four times as much as the amount appropriated, and it was uncertain what the *pro rata* payment on the awards would be. The general impression at that time was, that it would not be more than fifty per cent. The Messrs. Corwin gave for the one fourth of the claim $22,000, and relinquished, of course, their commission on that fourth, and gave, as I understood from them, a premium of five or six thousand dollars for the money they paid Gardiner. Of the money received by Gardiner from this sale he paid me $3,000 on my fees, and the Corwins, as I understood, $2,000.

Question by the committee. You say the Corwins paid five or six thousand dollars premium for the money they paid Gardiner. To whom, and for what purpose, did they pay that amount?

Answer. To Corcoran & Riggs, of whom they borrowed the money, or a large part of it, as they informed me.

Question by the committee. How much money did the Corwins pay to Gardiner for the fourth they purchased?

Answer. The whole amount, I suppose, deducting $2,000 paid on their fees, leaving $20,000.

Question by the committee. Did the Corwins receive fees and commissions upon the other three quarters?

Answer. They did.

Question. How much in all?

Answer. Mr. Thomas Corwin's commissions were five per cent. I do not know exactly what were Mr. Robert G. Corwin's, but think they were much less. He can state.

Question. Do you know the shares in which the two Corwins held the quarter?

Answer. Equally, as I understand.

Question. Do you know the gross amount of fees and commissions paid by Gardiner to all his counsel?

Answer. My own commissions, of ten per cent., were $42,370, of which Dr. Gardiner paid me $3,000 of the money received from the Corwins; the balance, $39,370, he paid, after he received the award, to my agent, Mr. W. W. Corcoran. Mr. Thomas Corwin's fees, under his contract, were a little over $15,000. I think Mr. Robert Corwin's a little more than $5,000; and Mr. Edward Curtis, as I have been informed by Dr. Gardiner, received about $24,000. I know of no other fees being paid.

Question. For what purpose was the second series of depositions, or mass of testimony, obtained from Mexico?

Answer. To strengthen the case, and increase the amount of the award.

Witness left Washington before the awards were paid, and gave Mr. Corcoran power of attorney to receive his fees, which he did. Mr. Curtis has stated, in his examination, that he was employed by me. This is a mistake. Shortly before I left Washington, on the 4th of July, 1849, Dr. Gardiner had told me that he intended to employ Mr. Curtis. Shortly afterwards I met Mr. Curtis, and told him that Gardiner intended to employ him. This was all I ever said to him on the subject, either from that time until December, 1849, when he says he was employed, or since. I did not even know the terms on which he had been employed until June, 1850, when Mr. Curtis informed me, in a letter which he addressed to me, what commissions he was to receive, which he certainly would not have done if I had employed him and made the contract.

Mrs. Chase says that I am mistaken as to the strong language of commendation in which she spoke of Dr. Gardiner. This is not very material, as it was only one of the many testimonials to the high standing of Dr. Gardiner; but my recollection is very distinct of the conversation. It is possible that I may not have given the precise words. It is equally probable that this highly-respectable lady may herself have forgotten them; but there is no doubt of the fact that she had a favorable opinion of Dr. Gardiner, as she now admits, and as is proved by the fact of her recommending him for the highly-honorable office of assistant surgeon in the Army, and her letter to the same effect, which was presented to the Board.

At the time of my employment in this case, I had no personal acquaintance with but one of the Commissioners, Mr. Evans, and with him my relations were never intimate or cordial.

Question. Do you know who Gardiner employed to obtain his testimony in Mexico?

Answer. I do not. I know that Dr. Gardiner went to Mexico some time in the month of March or April, 1850.

Question. Do you know any other fact material to this investigation?

Answer. I do not.

Question by the committee. Did Dr. Gardiner go to Mexico more than once to obtain testimony in this case?

Answer. My impression is that he did—first, in the summer of 1849; afterwards, in March or April, 1850; I am not positive. WADDY THOMPSON.

There were two several sets of depositions and proofs procured from Mexico, and used as evidence before the Board of Commissioners. Those taken first, together with the depositions taken in the United States, were all the evidence that was in the case during Mr. Corwin's connection with it. This appears from General Thompson's deposition, and also from the deposition of Robert T. Paine, one of the Commissioners. The depositions and papers filed with the memorial, or about that time, were the following, as also appears from General Thompson and Mr. Paine's depositions:

The book of account of daily expenditures and receipts. This book of account is, I understand, a large book, and has not been copied into the testimony. It is certified as follows:

RIO VERDE, *June* 12, 1848.

Manuel Verastegui, prefect of the department of Rio Verde: I certify this book contains fifty-four useful leaves, and that it is a complete and literal copy (having put my scrawl on each leaf) of the original, which I have seen and compared, and which remains in deposit at the request of the creditors. MANUEL VERASTEGUI.

J. PIO GUTIERREZ, *Secretary.*

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RIO VERDE, *June* 12, 1848.

Manuel Verastegui, prefect of the department of Rio Verde: I certify that the total amount of debit resulting from the anterior account amounts to $171,402 50; and that having revised the entries, they are in every respect similar to the originals. MANUEL VERASTEGUI.

J. PIO GUTIERREZ, *Secretary.*

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WASHINGTON, *April* 20, 1848.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico: I certify that the above signature of Don Manuel Verastegui, prefect of the department of Rio Verde, in the State of San Luis Potosi, is legitimate, and the same that he uses in his official acts. LUIS DE LA ROSA.

There was also filed with the first papers the following proclamation, protest, and certificates:

The citizen Manuel José Othon, Governor of the State of San Luis Potosi, to its inhabitants makes known:

That whereas the war in which the Republic is engaged with the United States of the North increases daily, and with it the wrong that we have to avenge; that, in such a state of hostility, the laws of nations sanction all prudent and precautionary measures by the Power invaded; that the State of San Luis is very near that of New Leon whose capital is occupied by the enemy's forces; that it is very natural to suspect that the subjects of the American Government that reside in the State are, or will be, in communication with their countrymen, which would be an easy matter on account of their proximity to them; in consideration, therefore, of all here set forth, I have thought proper to issue the following decree:

ART. 1. Within three natural days, counting from the publication of this decree, all the citizens of the Republic of the North will leave the State, without any exception of persons.

2. The individuals comprised in the anterior article will present themselves immediately to the political authorities of the towns of their residence, that they may be furnished with the proper passport, and give information where they intend to remove to.

3. Any subject of the United States found in the State after the expiration of the time stipulated in article first, will be arrested and carried from post to post, until he is put beyond the limits of the State.

4. The political authorities of the towns, and the judicial where there are no others, will attend scrupulously to the strict fulfillment of the present decree, informing this government of the persons to whom they have given passports, and the place to which they have removed.

And that it may be known to all, and meet with punctual compliance, I have ordered it to be printed, published, and circulated to all whom it may concern.

Given in the Palace of the State, San Luis Potosi, October 21, 1846. MANUEL JOSE OTHON.

ALEJO O. DE PARADA, *Secretary.*

MANUEL VERASTEGUI, PREFECT OF THE DEPARTMENT OF RIO VERDE.

I certify that in the archives of this office, relative to the month of October, 1846, is deposited the original document of which the following is an exact copy:

HACIENDA DE SAN CRISTOBAL, *October* 24, 1846.

MR. PREFECT OF THIS DEPARTMENT: Having received this morning, through the justice of the peace of this district, the decree of Supreme Government of the State, dated the 21st instant, which forcibly expels from the State, in the peremptory term of three days from its date, all American citizens: and whereas I am notified that I am not only comprehended in the expulsion, but especially informed by the local authorities that their orders are such as not to allow me, under any plea, extension of time, at the expiration of the term set forth in the law, thereby augmenting this general act of injustice; for if said law grants three days to those expelled to arrange their business, it merely grants me a few hours, being notified that to day, the 24th, in which I have received the notification, the term stipulated expires, and that I will positively have to leave before to-morrow's dawn, or subject myself to be maltreated and turned out by a body of troops that are hourly expected, with the sole object of carrying me, by main force, out of the State, in case I object in the slightest manner to the fulfillment of the law.

It would be impossible for me to represent in its true light the surprise and astonishment that this arbitrary act has inspired me with. To see the person who has encouraged the industry of the country; who has raised this mining district from a state of oblivion to be one of the first in the Republic; who supports upwards of five hundred families, and is the cause of the prosperity of the whole district; who has invested a capital of upwards of three hundred thousand dollars, and has never interfered in matters of politics, nor given any cause of complaint; who has always helped the Government, whenever it has called on him, with copious sums—to behold, I again say, he who has all these recommendations, made the target of revenge of a Government, cannot but inspire horror. Your honor is a witness, as are also all the authorities of the department, that I have worked two years, investing a capital of three hundred thousand dollars, in raising and causing this mineral district to prosper, which was in a state of decay, and which is at present in a most flourishing state of prosperity. It is also well known that my presence is absolutely requisite for its prosperity, and I cannot look with indifference on the arbitrary law that obliges me to abandon to the plunder and cupidity of evil-doers my extensive property, my brilliant and flattering future. I therefore solemnly protest, as I best can by law, against the law of expulsion of the 21st of October of the present year, issued by the Government of the State of San Luis, as illegal, arbitrary, and unjust. I furthermore protest against such an unjust act as being contrary to the laws of nations, contrary to the customs of other countries, and in diametrical opposition to the treaty between the Mexican Republic and the United States, that grants six months to the citizens of both countries established on the coast to settle their business, and a year to those in the interior, after a declaration of war. I further protest against said law, because it obliges me to abandon precipitately, in the peremptory term of twenty-four hours, my extensive mining property, (hacienda de beneficio) refinery, stock of ores, grain, and effects; ores in a state of amalgamation, and everything appertaining to this kind of business. For the reasons here set forth, and as far as I have a right by law, I protest and hold the government of the State, and that of the whole nation, responsible for the damages, injuries, disturbances, and losses that my interest and business suffers, and charge it with whatever I am debarred from realizing by a stoppage of my business, the losses I may encounter or expenses incur. All of which I have the honor of making known to your honor, that you may forward the same to the Supreme Government of the State for the desired end.

I reiterate to your honor the considerations of my respect,
GEORGE A. GARDINER.

And at the request of the party interested, I give this in Rio Verde, on the 20th of June, 1848.
MANUEL VERASTEGUI.

J. PIO GUTIERREZ, *Secretary.*

PREFECT'S OFFICE OF THE DEPARTMENT OF RIO VERDE.

I inclose to you the original answer, which I have received from the Supreme Government of this State, respecting the authorization of your books and documents by this Prefecture, by which you will see that this just step has been approved.

I protest to you the assurance of my particular esteem.
God and liberty. Rio Verde, *July* 3, 1848.
MANUEL VERASTEGUI.

MR. GEORGE A. GARDINER.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic: I certify that the foregoing signatures of Don Manuel Verastegui, prefect of the department of Rio Verde, of the State of San Luis Potosi, are legitimate, and the same that he uses in all his official acts
LUIS DE LA ROSA.

WASHINGTON, *November* 28, 1849.

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GOVERNMENT OF THE STATE OF SAN LUIS POTOSI.

His excellency the Governor having informed himself of your honor's note of the 26th of June, in which you inform him that you have certified the books and documents of the American citizen, Mr. George A. Gardiner, with relation to the damages and injuries that his mining business of Sierra Gordo suffered in consequence of the supreme decree of the 21st of October, 1846, by which he was expelled, his excellency approves of this step in the cause of justice, as there do not appear, in the expulsion of this individual, suspicions of any kind, having been a victim of a general law, without having individually given any motive whatever,

and returns said documents, according to their respective ideas.

I reiterate to your honor my esteem and consideration. God and liberty. San Luis Potosi, *July* the 1st, 1848.

LUIS GUZMAN.

TO the PREFECT OF THE DEPARTMENT OF RIO VERDE.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic: I certify that the above signature of Don Luis Guzman, Secretary of the Government of the State of San Luis Potosi, is legitimate, and the same that he uses in all his official acts.

LUIS DE LA ROSA.

WASHINGTON, *November* 29, 1849.

Also the depositions of Juan Soto, Antonio Marin, W. P. Johnson, and William Jackson, taken in September, 1849, before Simon de los Santos, third constitutional alcalde and judge of the first plea of Cadereyta Jimines; also the depositions of J. B. Smith and Sebastian Pacheco, taken in September, 1849, before José Antonio Leal, first constitutional alcalde, and President of the City Council of Linares. These depositions are certified by the officers who took them, and the official certificates of the officers before whom they were taken, or purport to have been taken, are certified, and the official character of said officers is certified by Thomas W. Slemons, Consul of the United States at Matamoros, Mexico. There was also an official certificate, or an affidavit in relation to the nature of Gardiner's title to the silver mine in the Sierra of Huasteca, county of Laguinillas, in the prefecture of Rio Verde, in the State of San Luis Potosi. That paper is not copied into the testimony, and was not before the committee.

The foregoing embraces all the testimony and papers filed at or about the time of filing the memorial of Gardiner. Subsequently, in January and February, 1850, the depositions of John Charles Gardiner, Colonel William Gates, and C. J. Learned, Esq., were taken and filed. And these several papers, to wit: the book of account of daily expenditures and receipts; the order of the Governor of the State of San Luis Potosi; Gardiner's protest; the six depositions taken in Mexico, in September, 1849, and the three depositions taken in the United States, as far as the committee have ascertained, are all the proofs that were before the Board of Commissioners during Mr. Corwin's connection with the claim.

All of these papers, whether they state the truth or not, are genuine. It is proved by witnesses from the State Department that the certificates of Slemons, the American Consul at Matamoros, and the certificate of Mr. Rosa, the Mexican Minister, are genuine. José Antonio Barragan, comptroller general of rents of the State of San Luis Potosi, one of the principal witnesses, by whom the claim is proved to be fraudulent, swears that the certificates of Manuel Verastegui, and J. Pio Gutierrez, to the book of accounts, and the protest of Gardiner against his expulsion from the country, are genuine. The certificate of Luis Guzman is the only certificate that is disputed. Mr. Barragan says it is not genuine, while Mr. Rosa, the Mexican Minister, certifies to its correctness. There is among the papers brought from Mexico in relation to the Gardiner claim, a statement of Luis Guzman, dated December, 1851, in which, after describing the statement of Verastegui in relation to the protest, he says "there exists no such paper in his office, nor a copy of his reply thereto, as there ought to do, if it is genuine." And because the paper bears date July 1, 1848, instead of July 3, 1848, when the first mail from San Luis Potosi in that month left for the direction of Rio Verde, he thinks it is a forgery. He does not, however, deny that he gave such a certificate, but merely states that there are no such papers in his office, as there ought to be if it is genuine. All the proof, depositions, and documents, that were before the Board when the claim was allowed, and passed as a valid claim, in March, 1850, are therefore shown to be genuine, except the certificate of Luis Guzman, and that is not successfully impeached. There is not in the testimony first presented, and upon which the claim was allowed as valid, anything to enable a person skilled in the mining laws of Mexico, and having a knowledge of the official seals and certificates of her public officers, to detect a fraud, or to raise a suspicion of fraud.

If the claim of Gardiner is a sheer fabrication, and a naked fraud, the testimony upon which it was allowed by the Board in the first instance is false, and the officers of the Mexican Government whose seals of office and official certificates were used and procured, were joint perpetrators with Gardiner of the fraud, and the six witnesses who testified in September, 1849, were perjured. If, in truth, Gardiner had no mines, all his proofs going to establish the fact that he had, must be false. Yet they were all genuine, and had all the appearance of legal validity that evidence could have, and could only be disproved by persons acquainted with the locality, and knowing that they were untrue. They were not forgeries, and of course could not be detected by any supposed knowledge of the official signatures and seals of the officers of that department of Mexico. The testimony before the Commissioners, and on which the claim was allowed on the 12th of March, 1850, proved clearly, that in July, 1844, Dr. Gardiner commenced mining operations on a large scale, in the State of San Luis Potosi, in the department of Rio Verde, at La Huasteca; that at the place of his operations, silver mines had long previously been worked, and abandoned; that he opened and re-established them, and made large improvements and outlays in commencing the business; that he had put up machinery and fixtures necessary for the business; that he had prosperously and successfully pursued the business until October 24th, 1846, when he was expelled by force; that his establishment, and everything belonging to it, including a large amount of silver in the form of amalgam, was taken from him by Mexican soldiers, and the buildings destroyed by fire; that he had expended a large amount of money, and was, at the time of his expulsion, making $50,000 per month; that his losses were very heavy, estimated at from $450,000 to $500,000; that, being expelled under an order of the Governor of the State of San Luis Potosi, of October 21, 1846, on the 24th of October, 1846, he protested to the prefect of the department of Rio Verde against his expulsion, as a violation of the treaty between the United States and Mexico, of 1831; that, in 1847, in the month of July, he went to Tampico, and there made application for the place of surgeon in the American army then occupying that city; that he made known to Colonel Gates, military Governor of the city, and to C. J. Learned, Esq., judge of the place, under military authority, the circumstances of his expulsion from his mines, and his losses; and consulted with Mr. Learned how he should proceed to establish his claim against Mexico for his loss; and that he remained at Tampico during the stay of the American army in that city, acting as surgeon to the troops. This proof would seem to be entirely conclusive, in the absence of anything to throw suspicion upon it.

Mr. Corwin, in February, 1850, with the case before him as it was then presented, purchased one eighth of Gardiner's interest. As is shown by Thompson's deposition, the number of claims before the Commissioners was so great that it was not expected more than one half the amounts finally awarded could be paid with the sum provided by the treaty under which the Board had been created. General Thompson swears that that was his impression, and that such was Gardiner's at the time of the sale. For the interest that Mr. Corwin purchased, he paid $11,000 in money, and what he supposed was about as much more in his expected fees on the balance of the claim; and for which, if but one half should be paid—if all that was claimed by Gardiner should be finally awarded—he could realize but about $32,500.

It is true that afterwards he sold his interest for about $50,000, perhaps not so much, (having sold his interest in the Gardiner claim, with his fee interests in thirty-six other cases pending before the Board, together, for $80,270.) The precise amount that he received of Mr. Law for his interest in the Gardiner claim is not shown. I think the evidence shows that it was less than $50,000. After the final award, Mr. Roberts, or Mr. Law, as assignee of his interest, received $53,593 75.

It is urged as an objection against Mr. Corwin that he became a purchaser at all. Whether that be a good objection or not, the fact and manner of his purchase proves conclusively, that whatever the Board or others might think of Gardiner's claim, he thought it a good claim for the full amount, or nearly so, that was claimed; or, if he did not, that he was aware that it was fraudulent, and was willing to give a large amount of money, and his services, to carry out a fraud that ought—and would, if exposed—to consign him to infamy, for a contingent interest in the result from which he could not probably realize more than twice or thrice the amount that he paid. That would be a monstrous supposition. The fact of his purchase in the manner shown by the testimony, proves conclusively that he did not know that the claim was fraudulent, and sustained, or to be sustained, by false testimony; that he had no suspicion at all of unfairness in the claim, but on the contrary, had every reason to believe and did believe that it was a good claim for the amount demanded.

The testimony taken in Mexico, in July, 1850, and filed before the Board in November, 1850, which is proved by several witnesses that have been examined, and testimony taken by the authorities of the United States in Mexico, in December, 1851, to be forged, consists of a paper purporting to be a record from the book of mines of the prefecture of Rio Verde, certified to by Don Francisco Fernandez, Prefect of Rio Verde, J. Pio Gutierrez, Secretary; Julian de los Reyes, Governor of San Luis Potosi; and Luis Guzman, Secretary of State, together with six depositions. All of these signatures, seals, &c., are shown by this testimony to be forgeries. This testimony, filed in November, 1850, was taken and filed long after Mr. Corwin had ceased to have any connection with the claim. It was procured, not to satisfy the Board of the validity of the claim, but to increase the award.

I mention this distinction between the testimony which was before the Board when the claim was allowed in March, 1850, and the testimony taken afterwards, for this reason: I think I have shown not only that there is no proof tending to show that Mr. Corwin knew that the testimony was false or forged, but that the first evidence produced was of such a character that he could not have known it, without a personal knowledge of the district of Lagunillus, in Rio Verde. And of the character of the last testimony, he could have known nothing, for the reason that he never saw it. The testimony of Edward W. Johnston, Secretary of the Board of Commissioners, and of Robert T. Paine, one of the Board, show how carefully this claim was passed upon by the Board.

Edward W. Johnston appeared as a witness on the part of the committee, and was sworn.

Witness resides in Washington city, and was secretary of the Board of Commissioners from July, 1849, till April, 1851. The first secretary of the Board was Mr. Jones, who served a few months. Witness says, that, from the beginning, the claim of Gardiner was regarded by the Board with some suspicion. These suspicions arose from the rumors which reached the Board, in regard to the case—as one either without merit originally, or founded upon slight merits, and grossly exaggerated in the amount. In consequence of these suspicions, the Board was especially careful in the examination of this case. A great mass of proofs, apparently very complete and very authentic, was introduced with the case. These papers were very carefully sifted, and the Board repeatedly imagined that it found circumstances in the details of the case which betrayed the latent fraud or exaggeration which they had been led to expect. I think, in as many as five or six instances of this sort, they called the claimant or his counsel before them to explain these points and clear them up. After the first instances, the Board became satisfied that Dr. Gardiner himself understood his own case better than anybody else, and that the best means of arriving at the truth would be to receive his own statements, and cross-examine him on all these points. They did so; therefore, and I am clear that there was no instance in which he did not satisfy them, by his apparent truthfulness, clearness, consistency, and readiness to reveal all facts in a remarkably manly and frank way, that the particular objection in each case was unfounded. There was no suspicion on the part of the Board that the claim was laid at a place where there was no mine; though there was suspicion, at the beginning, that there was no foundation for his claim, and this suspicion existed at the beginning and all through the examination of the claim, until finally dissipated by the progress of the proof and explanations. Witness says, that, coming to learn, either from without or from the statement of the claimant himself, that his occupation in Mexico had been that of a dentist, they of course conceived from this fact that it was unlikely that he should have capital for great mining undertakings, as this really was: thereupon he was required by the Board to appear before them in person, and to state in what manner he obtained the resources necessary for such purpose. Upon this subject, he went into the history of his own earlier connection with mining speculations and operations, stating that he was skilled in chemistry and mineralogy, as a part of his own pursuit; and the opportunity of seeing in Mexico the fortunes which a skill, inferior to his own, often enabled men to make, led him to addict himself, first of all, to the direct study of metallurgy, and, by-and-by, to speculations in mines themselves. Gardiner stated, that this is a great matter of gambling in Mexico;

and nothing but talent and skill could make it anything else. The great king of Mexican mines, Perez Galvez, at last remarked his (Gardiner's) uniform success, and, taking him into favor, offered him his credit to carry forward any of his undertakings. Of these statements I think he produced proofs, in the shape of a correspondence between himself and Perez Galvez. Its extent I cannot speak of. I am not sure that it established anything beyond an intimacy between Perez Galvez and Gardiner. Among the general proofs there were some which made a particular impression upon the Board, as of a character fixing the unavoidable authenticity of Gardiner's mining operations, and chief of these the register, or book of accounts of the mine itself, kept by the Government commissary.

Upon the register or book of accounts referred to being shown to the witness, he says that, upon inspection, he still continues of the opinion that it was kept by the Government commissary.

Question by the committee. Did the Board ever take any means, by depositions or otherwise, to obtain any testimony from Mexico touching the Gardiner claim?

Answer. They did not, either in that case or any other. The counsel in the Gardiner case was, as well as I recollect, originally General Waddy Thompson, who was understood to have prepared the papers. Afterwards Mr. Thomas Corwin was introduced into the case; then Messrs. Curtis, Lally, and Robert G. Corwin.

Question by Mr. Corwin. Did I ever appear before the Board after I went into the Cabinet?

Answer. Never. The practice of the Board was, after having settled the principle of an award, to make up the amount of pecuniary damages on those principles; but the latter were not disclosed—the former only was communicated to the public—nor known even to the Secretary himself; but this is not because he could not know, but voluntarily.

Question by the committee. When the decision in favor of Dr. Gardiner was first made, was the amount to be awarded him, as well as the validity of his claim, determined by the Board?

Answer. A definite amount was then awarded. Of course, he (Gardiner) did not know the amount, nor his counsel; and I understood, at the time, that an intimation was given to Dr. Gardiner by the Board, that if he could satisfy them on certain points where his proofs were insufficient, his award would be increased accordingly. In this case it chanced that I heard the amount of the award before I could quit the Board, as I usually did, to avoid learning the amount of the particular award. This is the only instance in which the like happened. The amount originally awarded was, I think, $300,000.

It was the practice of the Commissioners to keep each a memorandum-book, in which he entered the amount of the award, and the particulars of which it was made up. These books were kept under their own personal lock and key; and whenever they left the city, I took care that they should be sealed up by themselves.

Question by the committee. When was the amount determined to be awarded, upon the first decision of the Board as to the validity of the claim, announced to the claimant or the public?

Answer. In this instance, as in all others, it was communicated to neither the claimant nor the public, nor anybody else, as long as I was in office, and only made known when the awards were all published together, so far as I know.

After the thorough sifting which the Board gave to the testimony, after repeated examinations of the claimant, and, as well as I recollect, several arguments of counsel, the Board came to the conviction that the case, as to its merits, was as well made out, as little to be suspected, as any which was before them. This conviction was gradually reached, in spite of the original prejudices of the Board, which were slowly, and only upon complete examination, abandoned. I do not think that any case before the Board was more jealously canvassed. Originally, they of course extended to the person of Dr. Gardiner the prepossessions which they entertained against his case; but the Doctor himself gradually forced himself upon their esteem, by conduct so remarkable for its delicacy and propriety, that I have heard the feeling expressed again and again, by all the members of the Board, that not only had Dr. Gardiner shown in the progress of his case great sense, but that unquestionably his behavior in everything connected with his case had been signalized by its exact propriety. I may state, further, that the impressions which I have narrated as those of the Board, were closely followed by my own; for both went upon the same circumstances, and, of course, arrived at the same conclusions. In myself this is the more to be remarked, because I had a personal difficulty with the junior counsel of Dr. Gardiner; and as this was at the period when I was prepossessed against the claim itself, of course I had an individual dislike to overcome, in addition to such prejudices as the Board itself entertained. Yet, by the conclusion of the case, I had ceased to entertain the slightest suspicion against its complete fairness, or its full establishment by proofs.

Question by the committee. In how many cases was the amount determined upon, when the validity of the claim was decided, changed in the final award?

Answer. The book of opinions will show in how many cases. I think there were several cases in which awards were changed—as many as four or five, perhaps.

Question by the committee. When did the Board decide to increase the amount of award in the Gardiner case, and determine the amount of increase?

Answer. I do not know—the books do not show; but I presume it was when the Board made its final award, which did not occur till after I resigned. It was the practice of the Board to suggest doubts to the claimants as to the validity of their claims, to give them an opportunity to improve their testimony, or to argue points of law. This was often done.

Question by Mr. Corwin. Are you sure the amount of $300,000, which you understood to be the first award to Gardiner, was the gross sum; or might it not have been $300,000 with interest, from the date of his expulsion up to the rendition of the award?

Answer. I was endeavoring to get out of the way, and I only heard the sum of $300,000 named. Whether more was said or not I cannot say.

EDWARD WM. JOHNSTON.

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TUESDAY, *October* 5—10 *a. m.*

Robert T. Paine appeared as a witness, and was sworn.

Question. Were you a member of the Board of Commissioners to adjust claims of American citizens against Mexico, under the late treaty?

Answer. I was. I served from the beginning to the end of the commission. It met the 16th of April, 1849. It adjourned on the 15th or 16th of April, 1851. The Board adjourned in June, 1850, to meet again in November, same year. General Taylor died before the Board met in November. I heard of his death while at home.

Question by Mr. Corwin. Did I ever appear before the Board as attorney, in any case, after General Taylor's death, and after the formation of Mr. Fillmore's Cabinet?

Answer. Never, sir, to my knowledge. I knew at the meeting of the Board that Mr. Corwin had disconnected himself as counsel in any case.

Question. Were there two sets of papers and proofs exhibited to the Board in the case of George A. Gardiner, at different times?

Answer. There was additional testimony introduced after the Board had decided upon the validity of the claim.

Question. Was I counsel at the time that additional testimony was introduced?

Answer. I cannot tell what time that additional testimony was filed, but it was not laid before the Board until the meeting of the Board in November, 1850.

Question. The claim of G. A. Gardiner was first received by the Board on the 30th November, 1849, as appears from the journal of the Board. What papers were filed at that time?

Answer. I cannot say certainly; I know his memorial was then filed, that being the first thing that the Board considered. When the case was taken up for consideration, I remember that the book of accounts and affidavits, showing the possession of Gardiner in the mine, the amount of property he had on hand, or the value of its fixtures, the profits of the mine for a number of months, and the value of the ore on hand, and that in a state of amalgam, were then before the Board, and with these there was some evidence of title to the mine in Gardiner, but not sufficient to establish his legal title, and other evidence going to establish the validity of his claim. I do not recollect what that evidence of title was—whether it was a certificate or affidavit, or what it was.

Question. Are you certain that there was any paper showing Gardiner's title to the mine at the time the first decision of the Board was made?

Answer. I feel confident that there was no deed, but I cannot tell whether there was any paper or not. My impression is that there was.

Question. Was there any objection, at the Board, that the title was not proved?

Answer. It is impossible for me to speak of the consultation of the Board in this case in particular. It was contended, on the part of the claimant, that he was entitled to pay for the mine. That claim was met, on the part of the Board, by saying that there was not sufficient proof of his title to the mine.

Question. Why were not the damages determined when the Board of Commissioners allowed the claim?

Answer. They were determined, so far as they were in any case. The Board decided upon the validity of a claim, at the same time looking into the amount which they thought ought to be awarded to the claimant. This award was, however, not considered final by the Board. It was left open for various reasons. The Board thought that if the award should be published as the case was decided, it would produce a great deal of dissatisfaction among claimants, and give trouble to the Board; and because testimony might afterwards be introduced or discovered, which might materially affect the award. Memoranda were kept, by deponent and Mr. Smith, of the Board, of the amounts of the awards.

Question. When the claim was allowed, was there any intimation to Gardiner, or his counsel, that the award would be increased upon the production of additional proof?

Answer. I cannot undertake to say whether intimation was given to Gardiner's counsel or not. I know the Board did not give such intimation to Gardiner. I am confident the Board would not have allowed consequential damages unless Gardiner showed title to the mine.

Question. Do you remember what amount the Board decided to award when they first determined that the claim was valid?

Answer. I feel confident that the members of the Board did not agree on this question; but the award was augmented by the introduction of the subsequent evidence, though not very largely—I think some fifty or sixty thousand dollars.

Question by Mr. Corwin. Did you, as one of the Board, have the papers in this case in your custody, and give them a careful examination?

Answer. I did, for it was one of the largest claims before the Board; and there were rumors in circulation in relation to the claim, and I received an anonymous note cautioning me in relation to it. The note bore the stamp of the Irving Hotel, and was signed by a North Carolinian. I used every exertion to find out the writer, but could not.

Question. Before the final award, were there any suspicions or suggestions of fraud in the testimony?

Answer. There were none; and I never heard of any until I saw it in the public papers.

Question. Do you know any other fact material to this case?

Answer. I do not remember any other.

ROBT. T. PAINE.

Mr. Speaker, I am done with the case in the aspect in which it was presented to the Board, and have assumed that it is true as stated by the committee, that the claim is now shown to be a naked fraud. That question, I am content to leave as the committee have left it. The question for us is, had the Secretary of the Treasury any knowledge of its fraudulent character? The committee say that there is no proof that he had, and I have attempted to show that it is proved he had not.

But it is due to Dr. Gardiner to say, as has been said by the gentleman from Connecticut, [Mr. CHAPMAN,] that the testimony against him is almost wholly *ex parte;* and I will add, that although it makes a strong *ex parte* case against him, it is far from being conclusive as to his guilt. If it shall finally appear that the claim of Gardiner is a sheer fabrication, it is not only one of the most stupendous frauds ever committed, but the most extraordinary.

It is shown by the testimony that he went to Mexico in 1839 or 1840, and resided at Vera Cruz and the city of Mexico until 1844, when he left for the interior; and from 1844, until the fall of 1846, it is not shown where he was by the testimony against him. In October of that year, he appeared in the department of Rio Verde for the first time, as the witnesses examined by the committee state; but William Goyeneche, in a letter to Mr. Letcher, which is printed with the testimony taken by the committee, states that he saw him a few months after he left the city of Mexico in 1844 in Rio Verde, where he staid a short time. Gardiner's proof before the Board shows where he was from July, 1844, to October, 1846, but the testimony against him does not.

The Mexican witnesses, Mr. Barragan and others, swear that his claim was fabricated in 1848, at Rio Verde, by himself, Manuel Verastegui, José Pio Guttierrez, and Domingo Ithurry, and that it was publicly known to have been gotten up by them, in Rio Verde, in consequence of the treaty of Guadalupe Hidalgo. This, they state, was generally known in the city of Rio Verde.

Now, sir, that cannot be true, unless the testimony of Colonel Gates and C. J. Learned, Esq., both men of high character, taken to sustain the Gardiner claim as before stated, and that of Anne Chase, the wife of our Consul at Tampico, taken by the committee, are false, which, I suppose, will not be pretended. The fraud of Gardiner was designed by him, if it is a fraud, before the treaty of Guadalupe Hidalgo was made. That treaty was made on the 2d of February, 1848. The witnesses above named say, that he came to Tampico in the summer of 1847, as early as July. He applied for a surgeon's place, and obtained it, and continued there as surgeon until the American troops left the city. He represented there that he had been driven out of Mexico, and described his large property, his silver mines, and consequent losses upon his expulsion. He consulted with Mr. Learned, who was judge of the place under American authority, as to what course he should pursue to establish his claim against Mexico.

It was generally understood in Tampico, during the time our forces were there, that Gardiner had been driven out of Mexico, where he had a large property in mines. At that time there was no treaty of Guadalupe Hidalgo. General Scott had not taken the city of Mexico. It was between the time of the capture of Vera Cruz and his arrival in the city of Mexico. It was in the midst of the war—*flagrante bello.* It may well be asked, what object Gardiner could have had, prior to the treaty, to make these representations? The war was then in progress, and no man could tell what would be its termination. At that time he could have had no other expectation than that he would have to make his claim against Mexico under the treaty which he claimed had been violated in his case.

After the Commissioners made their final award, in April, 1851, Gardiner deposited in this city and New York, $220,000, nearly the whole of the amount awarded, that was coming to him; and when, in July, suspicions that the claim was unjust were entertained, and proceedings commenced against him, that amount was found in the hands of Corcoran & Riggs, of this city, and in the Life Insurance and Trust Company of New York.

In this connection, there is a singular correspondence between Manuel Verastegui and José

Antonio Barragan, printed in this book of evidence which was furnished to the committee, I suppose by Mr. Barragan, or brought by Mr. Slacum from Mexico, with the testimony taken by him as agent of the United States, in December, 1851. The letters are dated in December, 1851, at the time Mr. Slacum was in San Luis Potosi. The first letter is dated Rio Verde, December 15, 1851, and is written by Verastegui to Barragan, in which he complains that the Mexicans are a set of poor devils, and blames Mr. Barragan and others for the course they were pursuing in relation to the Gardiner claim, and implicating him in it. He protests that what he did was for the benefit of creditors. Barragan replies on the 22d of December, 1851, and after protesting that he was doing nothing unfair towards Verastegui, he charges that the whole story of Gardiner's mine is a pure fiction, and then proceeds:

"This fiction could only have been credited where they had not even the most distant knowledge of the country, as in effect did happen where there was no one to contradict it. But now, if it is asked of those who lived in Rio Verde, do you believe that there is one who would have the courage to say that a thing exists which never was? See the Monitor Republicano, number 2,189, of 19th May, and you will see that the money in question belongs to Mexico, and not to the North, for the total of the claims admitted comes up to $3,903,523; so that, deducted from the $3,250,000 which the North retains for the claims of its citizens, there remains to be delivered to the Government of Mexico $46,477; and this without counting the claims set up by Gardiner and Mears. To the first we adjudged $428,747 50, and to the other $153,125. These two amounts added to the anterior, make the amount $628,349 50, which undoubtedly belong to the Mexican Government."

To this letter, Verastegui replies on the 24th of December, and says, that he will now change his course.

This correspondence shows two things: first, that Verastegui, when acknowledging his entire want of moral principle, insists that Gardiner had creditors in Rio Verde, whose interests he was looking after; second, that Barragan, who is comptroller of rents of the State of San Luis Potosi, in his testimony and his activity in this affair, believed that the fraud perpetrated by Gardiner is not a fraud upon the United States, but upon Mexico. How far that idea may have influenced the witnesses who have testified in relation to the claim, I do not know. The tenor of the correspondence referred to would indicate that its influence was considerable.

This much I have said in relation to the case of Gardiner himself, not that it has any connection with the propriety of Mr. Corwin's conduct, but simply as an act of justice to the cause of truth as applicable to him. I therefore repeat, that if it shall turn out that the claim of Gardiner is a sheer fabrication, it is not only a most startling and stupendous fraud, but one of the most extraordinary in the history of crime.

Mr. Speaker, I will now take another view of this matter. The first clause of the fifteenth article of the treaty of Guadalupe Hidalgo reads as follows:

"The United States, exonerating Mexico from all demands on account of the claims of their citizens, mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding $3,250,000. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive: *Provided*, That in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico, on the 20th day of November, 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules."

This treaty bears date February 2, 1848. On the 3d of March, 1849, an act of Congress was passed, providing for the appointment of a Board of Commissioners to carry into effect the agreement of the United States, contained in the fifteenth article. The Board was appointed soon afterwards, and in April, 1849, met and organized. In May, 1849, Mr. Corwin was employed by General Thompson to assist him in the prosecution of the Gardiner claim. On November 30, 1849, the claim of Gardiner was presented to the Board. In February, 1850, Mr. Corwin purchased one half of one fourth of the claim. In July, 1850, he disposed of his interest in that claim, with his fee interest in thirty-six other claims pending before the Board, to George Law, Esq., by an absolute, unconditional sale. In November, 1850, he received from Mr. Law the money for his claims, and made the final written transfer.

On the 3d of March, 1851, Congress passed an appropriation bill, of which I will read a section:

"For the payment of the money to those entitled under the fifteenth article of the treaty between the United States and Mexico, concluded February 2d, 1848, according to the provisions of the sixth section of an act entitled 'An act to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico, of the 2d day of February, 1848,' the Secretary of the Treasury is hereby authorized to sell the stock to be issued under the said section, and to issue it under the same restrictions, limitations, and provisions as are contained in the second section of an act entitled 'An act authorizing the issue of Treasury notes and a loan,' and approved July 22, 1846: *Provided, however*, That the stock so issued shall not bear a rate of interest greater than five per centum per annum, and that it shall be redeemable in ten years from its date."

By this section it appears that eight months after Mr. Corwin had ceased to have any interest in the Gardiner claim, and more than three months after he had made the final transfer and received his money, Congress authorized him to sell United States stock to pay the claims of those entitled under the fifteenth article of the treaty of Guadalupe Hidalgo. What claims? Those that had been and should be awarded by the Board of Commissioners.

At the time of the passage of the law of March 3d, 1851, the Gardiner claim had been passed upon by the Board of Commissioners nearly a year. Congress then knew as much about the character of this claim as Mr. Corwin. It was also known that he had been interested in claims before that Board, and had sold out. Did Congress at that time think the conduct of the Secretary of the Treasury improper? So far from it, they authorized him to sell United States stocks to pay all the claims that had been or should be allowed by the Board! The Gardiner claim had been allowed before, and was finally decided upon in April, 1851, and was paid, not a dollar of it, however, to Mr. Corwin.

Some importance is attempted to be given to this affair, because Mr. Corwin, being a Senator, was engaged in the prosecution of claims before the Board of Commissioners—because, being a Senator, he was prosecuting claims against the United States.

Is it true that the claims allowed by the Board of Commissioners were claims against the United States, and were those engaged in their prosecution engaged in prosecuting claims against the United States? The Government of the United States had agreed to pay the claims to a limited amount—that is very true. But they were not that class of claims usually meant when we speak of claims against the Government. We had agreed to absolve Mexico from all liability for the claims of our citizens against that Republic, and to pay them to an amount not exceeding $3,250,000. We then established a court for the adjudication and settlement of the claims of our citizens against Mexico. Our Government by this arrangement liquidated the gross amount of these claims, and agreed to pay it out in the manner stipulated.

If we could pay the claims of our citizens against Mexico with a much less amount than was stipulated, Mexico would have no right to gainsay it. And yet there is some reason in the view taken by the Mexicans that they are entitled, in equity to all the surplus, after the payment of all the valid claims of our citizens. We exacted from them the amount fixed upon, and received value for that amount. If the claims of our citizens against Mexico fall short of the amount agreed upon, the United States, by the arrangement, have the advantage of Mexico to the extent of the surplus. But if the claims of our citizens had exceeded the amount agreed upon, then Mexico would have been benefited to the extent of the excess, and our citizens would have been the losers. It was an arrangement by which we secured from Mexico $3,250,000 for the benefit of our citizens.

The claims presented before the Board of Commissioners were, as I conceive, in no legitimate sense of the word claims against the United States. The Commissioners were merely appointed to award to the several claimants their proper shares of the sum stipulated for their liquidation.

I have adverted to this for the sole purpose of showing that there is no real difference in principle between the prosecution of claims of this character and the prosecution of claims against private individuals.

The Mexican Claims Commission was a court created by law, and to all intents and purposes a judicial tribunal; not a permanent court, to be sure, but one created for a special purpose, all of whose functions were judicial. Such tribunals have been created from time to time since the organization of the Government. There have been two or three for the purpose of adjusting Mexican claims; one under a treaty with Spain a number of years ago for the settlement of claims against that country, and several others at different periods.

The practice has always been for members of Congress to appear before them. From the first, sir, men of the most undoubted honor and integrity, and of commanding influence in Congress, have engaged in practice before such courts. They never dreamed of its being improper, or a disparagement to their character or position. No one thought so. The celebrated Mr. Pinkney, one of the ablest as well as purest public men of his day, appeared before the Board of Commissioners for the settlement of claims against Spain while he was a Senator from the State of Maryland.

In this very case, Mr. Corwin was not the only Senator or member of Congress who appeared before the Board of Commissioners and prosecuted claims. A distinguished Senator from Missouri, [Mr. BENTON;] the able Senator from Indiana, [Mr. BRIGHT;] the highly accomplished Senator from Louisiana, [Mr. SOULE,] all appeared before the Board as counsel, I am informed. Mr. Webster had many cases before it. Gentlemen of distinction in this House appeared before it, and several gentlemen who were then members of Congress, but are not now, had cases before the Board, as I have been informed.

Why, then, should Mr. Corwin be singled out from all the host who appeared as counsel before that Board, and other Boards, as the object of reproach? Why should any man be reproached for appearing before that and similar tribunals? There was no law against it. No principle of morals or propriety forbade it. And if Mr. Corwin deserves censure, then the whole practice of our public men, from the beginning of the Government, is deserving of censure. The other members of Congress who appeared before the same Board are equally subject to reproach.

I cannot see any violation of sound morality, or even punctilious propriety in the practice. The Board of Commissioners was a court as much as the Supreme Court of the United States is a court. It was a court of high character, composed of men of distinction and ability as lawyers and statesmen—men appointed by a Whig President and confirmed by a Democratic Senate. I can see no more reason to censure a Senator for practicing before such a court, than to censure him for practicing before the Supreme Court of the United States, or before the State courts. Is a lawyer to lose his character as such when he becomes a member of Congress? I suppose, in fact, many men become members of Congress because they are considered good lawyers; and why should they lose their characters as lawyers, and cease to practice their profession, because they are members of Congress? If that rule should be adopted, I think the bar would lose much, and the country and the cause of justice would lose more.

Mr. Speaker, I consider this to be the whole point, and the only point in this case: Shall members of Congress for the time being cease to practice their profession, if they are lawyers? If it is thought best to make such a rule for the future, I shall not object to it, though I can see no propriety in it.

Mr. Corwin was employed in the usual manner that lawyers are employed in collection cases. He was to receive a certain per cent. on the amount collected. The manner of his employment is not objectionable; his being employed at all is the impropriety, if any, in his conduct. His purchase of an interest in what he considered an honest claim is not, surely, a matter of just reproach. It is as perfectly legitimate, for aught I see, to purchase a claim for money pending before a proper

tribunal for adjustment, as it is to purchase any other species of property which is the subject of litigation. I know of no law anywhere to prohibit such purchase, nor any principle of morality that is violated by it.

It is not, therefore, the manner of the employment, nor the fact of his purchase of an interest, that makes Mr. Corwin's conduct censurable, but his employment in the case as a lawyer, that is the subject of complaint. On this subject I think I have said enough.

But this claim of Gardiner is shown to be fraudulent—a fact which it is admitted Mr. Corwin did not know, and which it is abundantly shown he could not have even suspected—and therefore his appearance before the Board in the prosecution of the claim was improper. In other words, a lawyer is to be held responsible for the forgeries, perjuries, and other villainies of his clients and their witnesses. Mr. Speaker, this would be a fearful responsibility. That proposition is too monstrous to be thought of. If that rule shall obtain, we may well exclaim, "Wo unto ye lawyers!" Mr. Clay once said in the Senate, by way of compliment to Mr. Grundy, that if he (Mr. Grundy) were to be held responsible for all the rascals he had saved from the gallows, he would have a fearful account to render. If lawyers are responsible for all the bad cases they have, for all the perjuries and forgeries committed by their clients and their witnesses, God forbid that any of us should practice the profession!

I can see a manifest impropriety in members of Congress being interested in the prosecution of claims before Congress. I can also see that their attending to the prosecution of claims before the Executive Departments, and becoming interested in them, might lead to abuses. The intercourse between the Executive Departments and members of Congress is so intimate that the practice might lead to abuse. The prosecution of claims before Congress by the members of Congress for a compensation, is morally wrong; for upon such claims members have to decide. In the prosecution of claims before the Executive Departments the case is different, and though the practice may lead to abuse, it is not morally wrong. Claims pending before Congress and the Executive Departments are properly said to be claims against the Government; but claims pending in court are wholly different, and are beyond the reach of Executive or legislative influence.

Mr. Speaker, as I have said, the Mexican Claims Commission was a court, and one of high character; and neither law, morality, or propriety, was any more violated by practicing before it, than by practicing in the Supreme Court of the United States.

But it is said Mr. Corwin was employed because of his high political position, and therefore his conduct was improper. My experience is, that men will follow blindly after political and religious leaders; that they will be duped and humbugged in almost all the relations of life; but that lawyers are employed because of their legal abilities. In that matter, men generally act with reason and discretion. Lawyers are not employed because they have been judges, or because they are Senators, Governors, or Representatives, but because they are lawyers.

Mr. DEAN, (interrupting.) Will the gentleman from Ohio allow me to ask him a question? I understood the gentleman to say that these persons who prosecuted this Gardiner claim were employed because they were lawyers, and for their standing at the bar. Does the gentleman mean to say that Major Lally was employed for the same reason, because he was a lawyer?

Mr. BARRERE. I do not know what the gentleman from New York understood. I said nothing about the reasons why the gentlemen in this particular case were employed, for I do not know. I stated a general proposition as the result of my experience. What was Gardiner's motive for employing Major Lally I do not know, nor the motive of General Thompson for employing Mr. Corwin. Major Lally was a distinguished officer in the Army; whether he is a lawyer or not I do not know. I have understood that he is the confidential friend of the President elect, and I suppose is a very honest and upright man. I never heard anything to his disparagement. I understand that he is a business man of high character.

The morals of the profession of law I think as high-toned and elevated as those of any other class of men. I know, sir, that there are those who consider the bar as corrupt and dangerous members of the community. The question has even been argued, whether a man can be a Christian and a practicing lawyer? It is not uncommon for demagogues to denounce lawyers, and to heap odium upon the profession. But as a class I know of no more useful, honorable, and upright body of men, none who have done so much to plant and establish liberty and justice in the world. The profession, true to itself, its honor, and the cause of justice, will always condemn its unworthy members and their unworthy practices, as the whole American and British bar did the celebrated Mr. Phillips for protesting to his belief of the innocence of a client who had confessed his guilt to him. But the profession never dreamed that they were responsible for the justice of their client's causes. Like others, they are liable to imposition, and when they become cognizant of the frauds or misconduct of their clients, then it is their undoubted duty to expose them; and that an honest lawyer will do to the extent of his ability.

In this case Mr. Corwin has been shown to have rendered every assistance in his power to the full development of the nature of this claim. In July, 1851, the claim became suspected for the first time by an officer in the State Department, and from that time to the present, the Administration have been using their utmost endeavors to ferret out the true nature of the Gardiner claim, and to bring the perpetrators of the fraud to justice.

I fear, Mr. Speaker, that I am insulting the House and the country by seriously arguing this matter. The committee have reported that there is nothing found in all this investigation, even having a tendency to prove that Mr. Corwin had any knowledge of the unfounded character of Gardiner's claim, or that any improper evidence was used or to be used. That, his friends have thought, was an entire acquittal of every imputation cast upon him or attempted to be cast upon him, by getting up this investigation. But from the finding of the committee, an appeal has been taken to the country. The question is before it. The committee say that the Government has been defrauded without his knowledge. They do not question either his honor or his integrity, but by their finding have vindicated both. This finding is not the work of his political friends, but of his political adversaries, arrived at, too, in the midst of high party excitement. If it were improper to appear before the Board of Commissioners at all, that censure he must bear; but he will bear it in company with many of the purest and most distinguished men that have lived among us, in the earlier, and as some have thought, better days of the Republic, as well as with some of the most distinguished of his cotemporaries.

Mr. Speaker, I have not spoken on this subject because I thought it was necessary for me to vindicate the character of Mr. Corwin. That the committee have done in the amplest manner. I have spoken because my constituents love the man. Mr. Corwin has never sought office; office has sought him. He desired not his present position in the Cabinet. He was importuned by his friends until he accepted the place. He served in our Legislature several years, was a member of this House ten years, then Governor of our State before he took a seat in the Senate. During all that time he escaped the bitterness of partisan opposition. Until he made that celebrated, that immortal speech against the Mexican war, I never knew of any bitterness of political hostility against him. But since that time he has been the subject of constant vilification and abuse by the baser sort of his political opponents.

I care not what any man may say about that speech, or what he may think of the time and the occasion of its delivery; it is a speech that will live, not only as a production of brilliant eloquence, but for its high and noble moral sentiments. No man but one of high moral bearing could have made that speech. It required a moral hero to do it. It was not a speech made to suit the popular clamor of the day. The man who believes that the Mexican war was just and right—that the Government acted right in prosecuting it with all its energy and power, looking to the circumstances by which Mr. Corwin was surrounded at the time—must concede, if he have a proper appreciation of true merit, that it was not only an eloquent and powerful speech, but a speech which showed him to be possessed of superior moral powers.

What was that speech, viewed in its true spirit? Why, sir, it was nothing more nor less than an effort to impress upon the mind and conscience of this great people the importance of the rule, that they should do unto others as they would that others should do unto them.

The history of nations teaches us, that the stronger powers have always disregarded the rights of the weaker, when in conflict with their schemes of interest or ambition.

Mr. Corwin was among the first of the distinguished men of the country who assumed the position that the law of nations ought to be practically what it is in theory; that the United States should disregard what they might suppose to be their interest, when the eternal principles of justice were in conflict with it; that the laws of God, the laws of morality, should be the rule of our foreign policy. This is the scope and spirit of that truly eloquent speech.

Mr. Corwin had then been long in public life, and had almost entirely escaped the bitterness of partisan hostility. Since he made that speech, however, he has been the object of calumny, detraction, and unsparing and unscrupulous abuse. He cares nothing about that. He knows that political abuse will pass away with the hour, and that his character and motives will be appreciated by his countrymen. The charges that gave rise to this investigation were of a different character. They impugned his honor and his integrity as a man. For that reason he demanded inquiry into his conduct in this transaction. The committee have honorably acquitted him of the injurious imputations preferred against him. Still it is insisted that he is guilty. I therefore repeat what I said in the outset, that if guilt attaches to him at all, it is of that kind that ought to consign him to the penitentiary. And I will add, if no guilt attaches to him—if he stands vindicated from the foul aspersions attempted to be cast upon him—that *they* ought to be in the penitentiary who wantonly and maliciously insist upon his guilt.

COLONIZATION IN NORTH AMERICA.

DEBATE IN THE SENATE,

TUESDAY, *January* 25, 1853.

On the Resolutions of Mr. CASS, relative to colonization in North America.

[*Continued from page* 103.]

The Senate proceeded to the consideration of the joint resolution, which is as follows:

"*Be it resolved, &c.*, That the United States do hereby declare that 'the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.' And while 'existing rights should be respected,' and will be by the United States, they owe it to their own 'safety and interests' to announce, as they now do, that no future European colony or dominion shall, with their consent, be planted or established on any part of the North American continent.' And should the attempt be made, they thus deliberately declare that it will be viewed as an act originating in motives regardless of their 'interests and their safety,' and which will leave them free to adopt such measures as an independent nation may justly adopt in defense of its rights and its honor.

"*And be it further resolved*, That while the United States disclaim any designs upon the Island of Cuba, inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject, to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that Island, which, as a naval or military position, may, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power."

The question pending was on the following amendment offered by Mr. HALE:

"*And be it further resolved*, That while the United States, in like manner, disclaim any designs upon Canada inconsistent with the laws of nations, and with their duties to Great Britain, they consider it due to the vast importance

of the subject to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, either peaceably or forcibly, of that Province, (which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their northern boundary, and to the lakes,) as unfriendly acts directed against them, to be resisted by all the means in their power."

Mr. SOULE. The sole object I had in view when, on a former occasion, I moved a postponement of this debate, was to protect myself against the danger of too hasty an expression of sentiment with reference to so grave and momentous a subject as that in which it had originated. I felt some unwillingness crudely to commit my judgment upon any scheme of speculative and abstract policy concerning matters which, in the significant language of the distinguished Senator on my right, [Mr. CASS,] were so liable to present themselves from hour to hour for practical consideration. And I wished for time, that I might school my mind, and prepare it to face the stern exigencies which I could not but anticipate would arise from the issues put in agitation. That time was most liberally allowed me; and I am now ready to let what opinions I have been able to mature go to the country in the unambitious form under which it will be my purpose to present them to the Senate.

Before I proceed, however, I will ask leave, Mr. President, to express my deep regret that I have to disagree, on any of the points in controversy, with the two eminent Senators who spoke first from this side of the Chamber, [Messrs. CASS and MASON.] I cannot join them in the favorable opinion which they have been pleased to express of the course pursued by this Administration, on the occasion of our late difficulties with the officials of the Spanish Government at Havana. The policy of the Administration in that, as in most other instances in which our interests have been in conflict with those of a foreign Power, has struck me as peculiarly unwise and undignified. While it bequeaths to those who will soon have the control of the Government a fearful inheritance of difficulties and dangers, it has lowered itself to a contest in which we have seen the mighty hand of the Republic ready to strike an innocent and isolated individual. The verdict of the country has decidedly gone against it, and I am indisposed to question its justice, or to weaken its significancy.

Sir, when these questions came up the first time for our consideration, I felt great anxiety lest, by being prematurely brought into debate, they might embarrass and cripple General Pierce's Administration. May I hope that the dangers I then apprehended can still be averted? I will certainly not be found recreant towards making any effort that may secure so desirable a result. Yet, I cannot forbear asking myself the question, Why was the correspondence on the tripartite treaty called for? Had not the President's message informed honorable Senators of its bearing and import? Did not the resolution originating the call, intimate a thorough knowledge of its character? Or did Senators merely wish to give themselves the enjoyment of its rhetoric? They could not have meant opening the way to a remonstrance against England and France: that would have been in opposition to their admitted principles, and hardly in keeping with the praises they had so freely bestowed upon the manner in which the intrusive step of the two great Powers concerned in the matter had been met and rebuked. The mover could not have entertained any dissatisfaction on account of the President's answer: that was all right and proper. What was it, then, that prompted the inquiry? Nothing, I am sure, but the best of motives; and yet, what could it bring forth—what has it brought forth—but a legitimate triumph to the distinguished statesman who fills, with so much credit to himself, the chair of State, and obstacles, difficulties, and dangers, in the way of the coming Administration?

Senators complain, however, that the mystery of the Cuban correspondence has been let out. Why? Is it because of the disclosure that we had made up our minds to purchase Cuba? But, in the same breath, they avow their settled purpose still to purchase it, if it should be for sale. Is it because the amount offered was divulged? But, they proclaim that they are ready to purchase it at any price. Why should the Administration be reproved for having done precisely what we hesitate not to do ourselves? Had honorable Senators denounced the Administration, in unmitigated terms of reprobation, for having transferred to the public gaze a transaction hidden in a mysterious safe, where it lay under seal, surrounded with all the paraphernalia of a secret of State, I might understand them. But this they did not attempt to do; and it will be for some one else to afford us, in the progress of this debate, an insight into what circumstances, connected with that correspondence, should have imposed upon our present rulers the obligation of keeping it out of the public view.

A band of youthful and enthusiastic adventurers congregate in a southern port, at the call, as they think, of suffering brethren, and stake what of life and of hope there is in youth upon a dread adventure. Spain takes the alarm, and, under the promptings of the President's proclamation, which brands them as outcasts, dooms them to indiscriminate slaughter. A spirit is engendered—which soon pervades the whole population inhabiting this, the most valuable, and the last of the possessions of that Power within the waters that bathe this continent—which but increases her fears, and prompts her to implore England and France to come to her rescue, and to devise a scheme through which she may be maintained in the dominion which she holds over it. Your answer, as well as that of the Government, is, that you will not comply with the presumptuous summons through which that scheme has found the means of manifesting itself. But, at the same time that you rebuke the attempt of the proud intermeddlers by a flat refusal of your solicited coöperation, you emasculate what of virtue there might be in your bold resolve by the strongest protestations that you aim not at disturbing their quietude and equanimity. And as if to give them ample assurance that you covet not the possession which they have so deeply at heart to protect against your grasp, you stigmatize all those who are in the least suspected of being directly or indirectly concerned in any undertaking that may give Spain the least displeasure concerning it. They are all "marauders"—those who engaged in the unfortunate expedition which terminated in the Atarez slaughter, as well as the stubborn contractor who, on another occasion, presumed to believe that there was something in individual and national rights worth struggling for. What strange marauders must have been those five hundred youths who betook themselves to a strange land, where they knew they would meet five hundred thousand of their equals, guarded and defended by twenty-five thousand armed soldiers watching their approach—who, upon landing, sent back the buoyant steamer that had brought them to the unwelcome shore, with a last adieu to their native land, and then engaged in that deadly struggle which was to terminate in the enfranchisement of the island, or in the consummation of their ruin—who left, wherever they went, but indelible traces of heroic devotion, and against whom even Spain has not, as yet, uttered a word of reproach that could attaint the morality of their aspirations! Were Crittenden and his gallant followers but common marauders, or vile pirates? See how they died! How proudly that boyish chief who headed the band confronts his fate, and protests against the degrading exactions through which he is required to bend his knee before his executioners! "I kneel to none but God! I defy your tortures! 'You may kill me, but you cannot kill the hopes 'that bound within me, and arraign your cruelty 'at the bar of the future!" Why talk you of marauders? Lafayette and Kosciusko were just such marauders. The one has his picture hung up in the other House of this our National Legislature, and the other his impress wherever beats an American heart!

What are the late conquests of England in Eastern India, of the French in Africa, but marauding upon a large scale? What has been the course of Britain within the last century, on the coast of Central America, but a continuous marauding? Why should Senators show themselves so supremely fastidious about marauding, when they admit themselves, while speaking of the vexed acquisition, that they but await for the ripening of the fruit? Will the plucking of it when ripe be less "marauding" than the plucking of it while still green? I had thought that honorable Senators would have recollected that at common law the taking of the fruit from the tree is but a trespass, while the taking of it after it has been separated from the *parent stem* is larceny. Let them beware lest the fruit rot while they await its ripening. Senators protest against stealing their neighbor's property, and yet would have those who hold it under precarious tenure to appropriate it to themselves. They would not commit theft, but might consent to receive the stolen goods!

Senators speak of national honesty. I revere it; for I know but too well that nations are very near losing their power when they begin to lose their sense of justice. But while Senators speak of their abiding respect for the rights of other nations, they hesitate not to denounce the Government of a friendly Power as the worst that ever existed, and to proclaim their willingness to extend the hand of fellowship to those who may succeed in overthrowing it.

Senators commend the President for his course with reference to our troubles with the Cuban authorities. I would wish to know what of it they mean to commend?

It pleases the editor of a New York paper to credit Purser Smith with certain memoranda, relative to affairs in Cuba, in the following words:

"The United States mail steamship Crescent City, Lieutenant D. D. Porter commanding, arrived at this port at a late hour last night, &c., from New Orleans, via Havana.

"We are indebted to the purser, Mr. Smith, for prompt delivery of memoranda."

Then follows a succinct account of the excitement created in Havana by the imprisonment of a large number of Creoles in loathsome dungeons, &c.

A letter addressed from New York to the *Diario* at Havana brings the matter to the attention of the Cuban authorities; and thereupon an order issues from Martin Galiano, Secretary to the Captain General, and addressed to the consignees of the steamer, where is to be found the following:

"*September* 4, 1852.

"If Purser WILLIAM SMITH, or any other person, shall in future venture to PUBLISH IN THE AMERICAN PAPERS ANYTHING RELATIVE TO THE AFFAIRS OF CUBA, the vessels having such offending persons on board shall be denied entry into the ports of this island: and Mr. SMITH, especially, is on no account to be permitted to return here, under penalty of the above order being carried into effect, and the steamer dismissed the port."

In vain does Smith, as early as the 21st of October, deny, under oath, his connection with the publication in the paper above alluded to, referring to the affairs of Cuba. In vain does Lieutenant Porter give every assurance that he is innocent of the act laid to his charge. The President condemns Smith, and, by an order emanating from his Postmaster General, suspends the sending of the United States mail by the Crescent City, "OR BY ANY OTHER VESSEL WITH MR. PURSER SMITH ON BOARD." Why this? "For a reason which does 'not furnish, in the opinion of the Government, 'even a good presumptive ground for such a pro-'hibition;"—so reads the President's message;—"for a punctilio in reference to the purser of a private steamship, who seems to have been entirely innocent of the matters laid to his charge;" so says Mr. Everett. But it is alleged that "the 'President has patiently submitted to these evils, 'and has continued FAITHFULLY to give to Cuba 'the advantages of those principles of the public 'law, under the shelter of which she (Cuba) has 'departed, in this case, from the comity of na-'tions." And why has the President exhibited such a forbearance? The only reason I can find for it is, that "the Captain General, notwith-'standing, is an officer apparently of an upright 'and conciliatory character." Such is the assurance given us by Mr. Everett; and that "his con-'duct (so says the President) towards the steamers 'employed to carry the mails of the United States 'to Havana has, with the exception above alluded 'to, been marked with kindness and liberality, 'and indicates no general purpose of interfering 'with the commercial correspondence and inter-'course between the Island of Cuba and this coun-'try."

Had the President—had Mr. Everett—forgotten what occurrences, previous to this last affair, had taken place, which were far from exhibiting the dispositions of the chief magistrate of Cuba in

the favorable light in which they are presented in the message of the President and in Mr. Everett's letter? Had they forgotten the treatment met at the hands of that officer, by the steamship Ohio, then commanded by Lieutenant Schenck, of the United States Navy, who was refused communication with the shore, and was ordered to anchor under the guns of the Moro Castle, while engaged in peaceful and lawful commerce, and though no charge could be laid against any person on board of her? Had they forgotten that the Falcon, while on her usual passage from Chagres to Havana, had been fired into on the high seas, not far from the island, and was boarded and overhauled under the flippant pretense that the officers committing that indignity were ignorant of the character of the steamer, though she had borne the flag and mails of the United States a hundred times into the port of Havana, and was as well known to the Spanish cruisers and authorities as to American officers in the ports of New Orleans and New York? Had they forgotten the outrage perpetrated on the steamer Philadelphia, while on her route from Aspinwall to New Orleans? This steamer, with mails and two hundred and twenty-five passengers, and the cholera on board, had lost twenty-seven persons, and had many more prostrated and lying in agony. She entered the harbor of Havana in the forenoon of the 27th of June last, and anchored some distance from the coal wharf. The captain immediately reported to the health officer, and informed him of the condition of the ship, stating that it was indispensable to her safety and the lives of the passengers, and to enable him to proceed to New Orleans, to procure supplies of coal, provisions, water, and medicines. He ordered the ship to quarantine at once, whither she proceeded, but, directly after anchoring and blowing off steam, was ordered outside of the harbor by the captain of the port. The captain of the steamer assured him that the fires were out, and that it would take time to comply with the order. The officer said that if he did not go out at once, the guard-ship had her orders, which was understood to mean that she would fire on the steamer. As soon as possible, the Philadelphia proceeded to the outside buoy, perhaps two miles out to sea. The coal lighters, ordered by the company's agent, were towed out and brought alongside; a few tons were taken on board, when the captain of the port gave them forty minutes to complete their coaling and watering; at the end of which time, under the remonstrances of the officers of the steamer and the appeals of the suffering passengers, she was driven off with only a small quantity of coal, and none of the water, the lighter with the latter being within fifty yards of the ship at the time. She had no alternative but to abandon her route to New Orleans, and attempt to make Key West. Had not the captain of the steamer been exempt from the disease, and had not the weather proved favorable, the ship would have been lost, with all on board. Coal could not be procured at Key West; and after much delay, a sailing vessel was chartered to take the mails and a portion of the passengers to New Orleans; the residue were detained, under great suffering, until an extra steamer could be dispatched by the company from New York. The company's agent, through the American Consul at Havana, entered a protest against these proceedings. And how could the President and the Secretary of State have forgotten that a month after the above occurrences, the El Dorado, having left Aspinwall with two hundred and ninety passengers, the California mails for New Orleans and New York, and $1,700,000 of bullion, was also ordered not to enter the port of Havana? The health officer approached her off the Morro, and ascertained that a few deaths had occurred on the voyage, from the Isthmus fever, and that three railroad laborers were sick of that complaint, but that there had been no case of cholera or infectious disease on board. The Captain General, who is president of the board of health, convened the board, and the result was to order the ship to sea forthwith. The captain asked to go into quarantine only long enough to procure supplies; urging that the ship was perfectly healthy. This request was denied. The agent then desired that the ship might remain at her station, a mile outside, until he could dispatch the Empire City, another of the United States mail steamships, then in port, to her assistance. This was also refused, and all communication between the ship and the shore interdicted. The captain of the port then ordered the ship, in the most peremptory manner, to go to sea immediately. Captain Mitchell had no alternative but to obey, and to proceed to sea, destitute of all necessaries for his voyage. The Empire City was compelled, as soon as possible, to follow and overtake her, and to change her own route to New York instead of going direct to New Orleans, whither she was bound by the company's contract with the Government. This case was also made the subject of a protest by the company's agent at Havana.

Such were the dispositions exhibited by the Captain General—dispositions which seem to have conciliated to him the good will and approbation of the American Government. But, strange to say, while our rulers here were heaping censure and condemnation on the company's President, (Mr. Law,) and on the officers and employees on board the mail steamers, the Captain General himself, satisfied with Purser Smith's affidavit, was revoking the order excluding Purser Smith, and any vessel which might have him on board, from the shores of the island. Mr. Law's course in this whole matter, though made by some the object of severe censure, was but that of a spirited and independent American. Conscious that no fault could attach to the officers on board of his ships, and that the Cuban authorities, in the language of the President, had not even a good presumptive ground for the line of conduct which they had adopted, he hesitated not to vindicate at all risks, and to maintain unflinchingly, his rights, and the rights of those under him. And is it for this that he is unmercifully branded, in the very Hall of the Senate, as a dangerous and reckless intermeddler, and as an enemy to his country? Nor had he acted incautiously. In a letter dated October 6, 1852, he sets forth his grievances, and asks to be advised as to whether the Government of Cuba is justifiable in the course it has been pursuing. He reiterates the same request in a second letter, bearing date the 27th of the same month. What answer is given him? Why, the Government declines giving any; and Mr. Law, left to his own judgment, hears no more of the Government, except through President Fillmore's letter to Hugh Maxwell, through the orders transmitted by the Postmaster General to the postmaster in New York, to withhold the mails from his ships, and through the dismissal from their command of officers allowed him from the United States Navy.

In all this the Government is invariably on the side of Spain, and against our citizens. Such had been its attitude in the deplorable affair of the Lopez expedition. When approached by Commodore Parker, and when asked why had the Atarez victims been executed without being allowed a trial within the guarantees stipulated in our treaty with Spain, Captain General Concha answers that it is because "he considered them as pirates, they having been so denounced in the proclamation of the President of the United States." And when Consul Owen makes a solemn appeal to his clemency, the unbending proconsul rebukes him by the remark, that "he is doing what he must know to be against the wishes of his Government."

But we are told that the conduct of the Captain General, in the matter of the Crescent City, "*has been made the subject of serious remonstrance at Madrid.*" Has it, indeed? We may easily anticipate what the answer of the Spanish Cabinet will be. Will they not say: We claim the benefit of *those principles of the public law under which*, according to your own admission, *we stand sheltered?* There can be no departure from the comity of nations imputed to us as long as we remain thus protected by your own avowals? And here, as in the case of the Lopez followers, we will be told: You have absolved us—cease to complain.

And now, recurring again to the commendations which Senators have so lavishly bestowed upon the President's course, I will ask leave to know if those commendations be meant as an endorsement of the President's proclamation—of the Havana butcheries under it—of the Government's forbearance under the insults offered to our flag—of Galiano's edict—of the Secretary of State's letter to Mr. Law—and of the President's letter to Hugh Maxwell?

But though Senators are unwilling to wrest Cuba from Spain in any manner that might be construed into a violation of the high pledges repeatedly made to the contrary, yet they will not have the President to repudiate its acquisition on account of any scruple he may entertain as to its expediency. And here Senators find themselves again at points with him. They are for purchasing *at any time and for any price;* the President is against purchasing *at present.* His unwillingness, Senators will see, is not absolute. He finds difficulties in his way:—

"Were the island comparatively destitute of inhabitants, or occupied by a kindred race, the President should regard it as a most desirable acquisition; but under existing circumstances, he should look upon its incorporation into the Union as a very hazardous measure:—"

And he is opposed to acquiring it at present, even with the free assent of Spain. His very able and shrewd Secretary of State goes somewhat further, and urges *domestic reasons* as militating against its acquisition *at present.* Is there, then, to be a time when, such *reasons* existing no longer, it may become desirable to acquire it? For it is admitted that its acquisition *might, in certain contingencies, be almost essential to our safety.* Let southern Senators, especially, ponder upon this, and ask themselves, what are those *domestic reasons* which exist now and may not exist hereafter? Are we to wait until Lord Palmerston's views with respect to the policy which should prevail in the Spanish councils concerning Cuba, be realized? Shall we wait "*that measures be adopted for contenting the people of Cuba, with a view to secure the connection between that island and the Spanish Crown; as it must be evident that if the negro population of Cuba were rendered free, that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery exists?*" Do southern Senators understand that even in the opinion of Mr. Fillmore, and of his Secretary of State, Cuba is bound to be eventually ours? And hear they not the portentous warning sent forth through the *Heraldo* of Madrid, which proclaims that "it is well for all to know, whether native or foreign, that the Island of Cuba can only be Spanish or African," adding that, "should the day come when the Spaniards should be found to abandon her, they will do so by BEQUEATHING THEIR SWAY TO THE BLACKS."

Are Senators sincere in their professions? Do they mean seriously to purchase Cuba? They give up, then, the settled policy of the past, and belie the repeated asseverations made by America's statesmen, that her only wish was that Spain should retain its possession. We play into the hands of those British writers who denounce our duplicity to the world, and maintain that while we seemed to suspect the intentions of foreign Powers against Cuba, we had all along an eye on making it ours.

It is not an uncommon occurrence that we are taunted, and unsparingly taunted, with the charge of hypocrisy, and with being addicted to uncontrollable grasping propensities. And we are called by ugly names, indeed; and one can hardly suppress a smile when meeting with the vulgar abuse with which we are so often assailed by the British press. I have already alluded to the vast system of buccaneering pursued by England in East India, and by France in Algiers. They are both welcome to find fault with us on account of the pretended filibustering tendencies exhibited by our people. If such tendencies do actually exist, we have from whom to claim the inheritance. I hold in my hands a most curious and interesting scheme of buccaneering, bearing no earlier date than May 14th, 1739, originally deposited in the Archives of England, and the original of which, under circumstances which it is unnecessary I should state, has found its way to this continent. It is worth perusing, and I hope I shall not be deemed intrusive while imparting it to the Senate. Here it is:

A Proposall to take the Island of Cuba with very little Expence to England by a Force rais'd in the American Colonys.

If the Crown of England could become posses'd of the Island of Cuba, that Key of all America, no man of knowledge can denye but that Great Britain, in that case, must become posses'd of the whole Trade of the Spanish Empire there; and if the simple Priviledge of trading with those

People, upon very high Terms, is now become one of the greatest Prizes contended for by all the Powers in Europe; sure England will not neglect any oppertunity which is offer'd of acquiring such a possesion as must Infallibly Secure that whole Invaluible trade to its Subjects alone, especially since Great Britain is now in a fair way of loosing all the Trade She has hitherto had with those parts. It is propos'd, therefore, to take Cuba without puting England to any Material Expence, or trouble, in ye following manner, (viz:)

For a person of conduct and experiance to be Commission'd from hence, for the Chief Command in this Expedition, to take Cuba, &cd. That as soon as such person is so Commiss'd and properly instructed, He is to repair, with all Expedition, to America, and at the same time another proper person should be Commission'd & sent to America, with Instructions, to begin at the most Northren Colony, and proceed from one Province to another, and apply to ye several Governments for each of them, according to their Respective Capacitys, to furnish their Quota of proper Transports with 6 months provisions in each for as many men as they will severally carry; and that each Province, according to the number of Transports they severally furnish, shall raise a suffitient number of men to fill them, compleately arm'd with amunition, &cd. That the number of men thus rais'd and arm'd shall consist of 10,000; and at the same time yt such persons are commission'd and sent away it will be necessary to send Instructions, of the same Import, to the several Governers in America to Issue orders, and give their best assistence, to fitt out, with all Expedition, such Transports, &cd, and men so equip'd.

That when each Province has furnish'd their Quota of Transports and Men, according to their abilitys, these shall imediately repair to one Place appointed, which may be at South Carolina, and from thence proceed, under the command and direction of the person to be Commission'd from hence. They may (if it shall appear advisable) in their passage make a faint to take St. Augustine, and having manag'd that stratigem properly, they are to proceed to the Island of Cuba, and Land in the Bay of Matances, that being a good Harbour and not Guarded, yet lying the nearest of any other proper one to ye Havana. Here they shall land 7 or 8000 men, more or less, as necessity shall require, and with that Force to March down and pich at a proper distence to surround the Havana and cutt of all manner of provisions—going thereto by land, at the same time that some ships shall lye before the town to prevent any provisions or relief coming to it by sea; in which situation that Important Place must surrender in a very short time. In order to render this Conquest both sure and Expeditious, it will be necessary to send 6 or 8 60-guns Ships and 2 Bomb Keches, with about 2,000 Troops on Board them, which, if necessary, may be joyn'd by some of ye station ships now in America. These Ships of Warr are intended, some to lye before the Havana to play against ye town and cutt off all relief and provisions by sea, while the American Forces Besieges it by Land; and the rest of the Ships are to take care of the Gard da Coaste.

These 10,000 men being furnish'd & maintain'd by ye several Colonies in America will render ye Conqt. of this Important Place not only secretly secure, but very cheap to England; for that number of Forces being rais'd there will, with greater certainty, Conqr. that Place than 40,000 men would to be sent from Britain, because they are Inur'd to the American Climate, and will live soberer than Britains can be prevail'd to do. By these Forces, and by them only, every man of judgment, who knows ye situation of that place, and will speake with truth and candour, will lay it down as a Fact that it is to be gain'd, with great certainty, in ye way propos'd; and if it can be thus gained, upon such easy terms to England, it would be offering an affront to ye understanding of every man of sense to pretend to recount the unlimited advantages which must accrue to Great Britain from its being posses'd of the Island of Cuba alone.

If the Conquest of Cuba is effected, a small part of the Forces which does that, may, with very little trouble, take Porto Rico, & St. Augustine if it will appear advisable so to do. The British Colonys in America lying so near the object in view, before ye knowledge of ye propos'd attempt can reach to Europe ye whole designe will be executed.

It may be asked, how it is possible to go upon ye proposed Expedition without its being known by Inquisitive deligent foreign spies, since ships of Warr are to be sent from England? In answer to that, 'tis to be hop'd England can be as Politic as Her Neighbours, (viz:) look one way and steer ye contrary. It may, for this purpose, be given out by some that England is going to reinforce some of its Colonys, by others that she is going to resume the settlement of Darien, &c. In short there's no human appearence of this attempts miscarrying if the knowledge of it is confin'd to a Cabinet Council, & a fitt person appointed for ye Chief Command. The proposor is so well assur'd, of his own knowledge, that the American People can be brought, by proper managm't, to fitt out the Transports, and raise the men proposed, that he will undertake to accomplish it by his own personal application without either view or inclination of Cuting out or accepting of any Place or Command of profit in ye whole Transaction.

If there be an inclination to attempt this Greatest of Acquisitions it is presum'd no material objection can be made to the nature of the Proposall. It may be urged, indeed, yt it will be Dishonorable to make such an attempt while there's a Treaty on Foot with Spain; but such an objection must stand or fall by the Wisdom and at ye Discretion of His Majestys Ministers; tho' 'tis humbly presum'd if the word Politick be not an empty sound, that objection, nor none like it, can hold. It is to be observ'd that if ye preparation of ye Transports and men propos'd is not to be set on Foot 'till it is seen that nothing can be done with ye Court of Spain, by Treaty, for the advantage of ye British nation, it will then be too late to begin to prepair and colect them: It is presum'd they should be prepair'd as soon as possible, in order to be colected, and ready to go upon the Attack when necessity may make it proper; and if it shall appear that there will be no occasion to make such an attempt, after they are got in readiness, the design may be laid aside without inconvenaincy to England in either case.

It may be ask'd, were Cuba taken, how it would be Garrison'd without Forces from England? for 'tis to be understood that ye American People who are propos'd to be rais'd must not be compell'd to stay in ye Garrison against their own inclination. In answer to yt 'tis suffi't now to say that ye propos'r has also conceived a pretty certain method to Garrison, not only that, but all ye Places mention'd, if they are taken, without much expence to England, but wch he begs leave to reserve to himself, it being too long to incert here, 'till he sees how this proposall will be approved off. J. H.

Endorsed Proposall for taking Cuba in America. In Mr. Hamilton's of May ye 14, 1739.

Had I suppressed but the date of that document, Senators might have supposed that I was reading from some stray paper, fallen from the portfolio of General Lopez. But it is truly a British conception; and that it was entertained by the British Government, Senators will have but little doubt, when, upon perusing the correspondence sent us yesterday by the Executive, they will come to that part of it which brings to light a letter from Sir William Pultney to Admiral Vernon, bearing date August 27th, 1740, where, speaking of Cuba, "TAKE AND HOLD" is said to be *the cry*, and in which the bold adventurer boasts that "when *we* (the British) are possessed of IT, the whole world will not be able to dispossess us again."

Nor should Spain show herself over-sensitive about such undertakings. Know we not that but a few years ago a general of some repute (Flores) found the coffers of the Queen Mother open to him, that he might organize an expedition to conquer Ecquador, and establish a monarchy there, under one of Christina's sons by the Duke of Rianzares? If the papers of that day deserve any credit, Isturitz, who was then at the head of the Spanish Cabinet, so far favored the undertaking that he allowed Flores to take from the ranks of the army some of the best officers, furnishing them with passports that they might engage in the adventure without losing their rank at home. Men, under their lead, gathered from all parts of the kingdom, and assembled to the number of two thousand at Santander, where they could publicly be seen during two entire months, parading with Flores's colors. The whole scheme was afterwards defeated, through the agency of the British Government, which, dissatisfied with the state of affairs in Spain, and especially with certain transactions in which Christina was supposed to have favored the interests of France, stopped the gathering of an equal number of troops already enrolled, and about to depart on board of the two steamers then in the Thames, seized the steamers, and defeated the whole plan. Have we not seen the identical vessels, restored afterwards to Queen Christina, in part compensation for her disbursements, come and ply in the waters of the Havana, under the names of the Cetro and Tridente? Why, I am afraid there was something of the "filibuster" in the American general, who, in 1812, misreading the instructions given to him by Mr. Monroe, then Secretary of State, took forcible possession of Amelia Island and Pensacola; and even in Mr. Monroe himself, who, while disavowing the act of the unmindful general, advised the retaining of the points taken for an amicable adjustment with Spain.

In his letter of April 10th, of the same year, to Mr. Mitchell, Governor of Georgia, Mr. Monroe says:

"The policy of the law and of the President is not to wrest the province forcibly from Spain; *but only to occupy it with a view to prevent its falling into the hands of any foreign Power, and to hold that pledge under the existing peculiarity of the circumstances of the Spanish monarchy, for a just result in an amicable negotiation with Spain.*"

He was a "filibuster" (Hamilton) who, in 1797, strove so hard to organize an invasion of the Spano-American colonies under the protection of this Government, and in concert with General Miranda, with a view to help those colonies towards their independence. There were "filibusters" among those who, in 1819, '20, and '21, rushed from our shores to the Mexican main, with arms and ammunition, and so efficiently assisted in bringing about the overthrow of the Spanish rule there, and among those who, in 1836, could be seen parading publicly in the streets and thoroughfares of New Orleans, under the inspiring eye of General Andrew Jackson, preparatory to their joining the Texans in their struggles against Mexico. Ay, sir, I have shown that there might be found some "filibustering" in the President's message. But I assure you that there is much of it in Mr. Everett's letter—a document which needs no eulogies of mine, as it goes now the rounds of the country, escorted by the well-deserved commendations of the highest intellects of this body. In it the Secretary of State disdains to confine himself to the mere contingency of a disposition on the part of Spain to alienate Cuba. He boldly approaches the very heart of the question, and claims at the outset that "THE CONDITION OF CUBA IS MAINLY AN AMERICAN QUESTION." This, I suppose, is intended to be a sufficient reply to the assertion in Mr. de Turgot's instructions to Mr. de Sartiges, "that the condition of the island is of *no less importance* TO THE RELATIONS EXISTING BETWEEN THE GREAT MARITIME POWERS *than to the interests of Spain herself.*" And he proudly declines entering into obligations that would impose a permanent disability on the American Government, and prevent it, "*under any future change of circumstances, from doing what has been so often done in time past;*" for the possession of the island might, under certain contingencies, "BE ALMOST ESSENTIAL TO OUR SAFETY." He vindicates the law of progress, which is "*as organic* and *vital in the youth of States as of individual men.*"

But mark how careful he is to remind Spain that while the President will never, *by word or deed, question her title or shake her possession*, he is unwilling that she should indulge deceitful dreams. Speaking of the present condition of the island, he asks the question whether "it can be expected to last very long?"—adding, with marked emphasis, "Can it resist the mighty current in the fortunes of the world?" And lastly, referring anew to the onward tendencies of our people, how contemptuously he touches upon the impotency of conventions to arrest "THE LAW OF AMERICAN GROWTH AND PROGRESS!"

But while I am most willing to join in every commendation which has been bestowed upon that most important document, I cannot overlook its remissness in not rebuking the impertinent threat implied in the very first sentences of both the communications sent to Messrs. De Sartige and Crampton by the Cabinets of Paris and St. James. With the exception of the paragraph through which Mr. de Turgot reminds the American Govment of the orders sent to the British and French naval forces in the Gulf of Mexico, with a view to protect the Island of Cuba against new attempts at invading it, and wherein he asserts that the great maritime Powers have, in the destinies of that island, an interest equal to that of Spain herself—with that exception, the two communications are identical. And the presumptuous intermeddlers hesitate not to declare that we are to be made responsible for any repetition of such "attacks as have lately been made on the Island of Cuba *by lawless bands of adventurers from the United States;*" for "those attacks have engaged the seri-'ous attention of their Majesties' Governments—'the more especially as they are most anxious 'that the friendly relations now existing between 'those Governments and the United States SHOULD 'NOT BE ENDANGERED, as they might be by a rep-'etition of such attacks."

Are you not struck, Mr. President,—are not Senators struck,—with the haughty tone which pervades these communications? Do we mean to bear that England and France should speak to us in so arrogant and menacing a language? Are we to bend submissively to their dictation? And must we put up with such revolting indignities? Had we met them as it behooved a mighty nation like ours, when they presumed to career their fleets over the Gulf, and to cruise with them between Cuba and our shores, with the avowed design of constituting themselves the supervisors of our movements in those waters, and of inquiring into and determining "*with what intent*" adventurers of ANY NATION might attempt to land on the Island of Cuba;—had we insisted upon those explanations being given which Mr. Crittenden, then Acting Secretary of State, had required at the hands of the British Minister;—it will hardly be supposed that we would at this day be approached in the supercilious style with which we are given to understand that we must henceforth hold ourselves responsible for any attempt which it may please *adventurers of any nation* to make on the Island

of Cuba—as if America had to defend enormities which she never permitted.

But will not Senators ask themselves, What is that interest which thus prompts those haughty Powers to interfere with our concerns, and to dictate to us what policy we should pursue? What are those relations now existing between those Powers which interest them in the destinies of Cuba as deeply as Spain can be? I am afraid, Mr. President, there are storms in the answer. I can hardly account for the forbearance which we have of late been in the habit of exhibiting, whenever we have found ourselves in conflict with foreign pretensions, and especially whenever we have had to meet the exactions of England. The nations of the world know that we cannot be willing to disparage ourselves in their eyes, and to endanger the high position which we can so easily hold at their council-board. But we cannot expect to retain our character as one of the great Powers of the earth unless we jealously watch what contingencies may endanger it. And of all the duties imposed upon Government, there is none whose accomplishment is more essential to its own preservation than that of providing for the exigencies of an impending future. The right of self-preservation is paramount to all other rights, and lends sanction to whatever measures necessity may impel a nation to pursue in order to vindicate and maintain it. Under what requirements our country may be placed by the late demonstrations through which France and England have manifested their restlessness with reference to our increasing strength and power, it will be for those, and for those alone, to determine who, when a proper occasion arises, shall be at the head of the Government. In the mean time, however, I am indisposed to yield my assent to any policy that would divorce us from those great principles and doctrines laid down by those eminent men who, under the pressure of a fearful crisis, took counsel from their duty and not from their fears. Those principles and doctrines have been presented to the Senate by the distinguished Senator from Michigan [Mr. Cass] with such lucidity of exposition and force of argument, that I had imagined it would hardly be contested that they constituted one of the main articles of our political and diplomatic creed, and extended to all contingencies which might have arisen, or may hereafter arise, out of the position which we have occupied ever since 1823, and still now occupy, with reference to the other Powers of this continent. Yet, much to my surprise, and still more to my regret, I find my friend from Virginia [Mr. Mason] arrayed in full armor against those principles and doctrines being allowed a virtue through which they might be extended beyond the narrow circle of the incidents in which, it is said, they originated. The merits of that rather new view of the question are well worth being tested. Let us have a fair understanding of its terms. In his message of December 2d, 1823, Mr. Monroe lays down the two following propositions:

First. "The American CONTINENTS, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power."

Second. "The United States consider any attempt on the part of European Powers to extend THEIR SYSTEM to *any portion* of this hemisphere as DANGEROUS TO THEIR PEACE AND SAFETY."

The negotiations brought about between this Government and that of Russia, in consequence of the ukase through which the Czar had assumed the supremacy of the Northern Pacific sea, to the exclusion of other Powers, had been deemed by Mr. Monroe a proper occasion for asserting the principle involved in the first of these propositions. But the motives of his proclaiming it to the world were foreign to those negotiations, which had been brought to a close, and had ended in its practical recognition by the Czar. Its reassertion in the message looked, therefore, to other occurrences which had then lately transpired, and to meet which the policy implied in the second proposition had been adopted.

Now, what were the circumstances that gave birth to, and furnished an occasion for, the proclamation of such a doctrine? Was it any demonstration of hostility on the part of any of the European Powers against America? Not in the least. It was the "the unsettled state of Europe;" the fact that "the allied Powers had thought it proper, on a principle satisfactory to themselves, to interpose by force in the internal concerns"—of whom? Of America? By no means; but "of Spain." And why this sensibility about an interposition, on the part of European Powers, with the concerns of Spain? We have it in the words of Mr. Monroe himself. He says:

"The question of the extent to which such interposition might be carried *on the same principle*, was one in which all independent Powers whose governments differed from theirs were interested, even the most remote; and surely NONE MORE SO THAN THE UNITED STATES."

For the statesmen of that day, if I may be permitted to use the language of a most accomplished and able writer on American diplomacy, (Mr. Henry Winter Davis,) the question was not "whether the threatening cloud arose in Europe or America, but whether it was likely to burst upon us." But we have Mr. John Quincy Adams's assurance that both the principles I have just quoted from Mr. Monroe's message were meant to be enforced as a *permanent* rule of American policy. In his message of March 15, 1826, he tells us that the principle (referring to the non-colonization by European Powers of any part of this hemisphere) had first been assumed in the negotiation with Russia; that it rested upon a course of reasoning equally simple and conclusive, because, "with the exception of the existing European colonies, which it was in no wise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface;" and because "by this, their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions." And he goes on asserting that "to attempt the establishment of a colony in such possessions would be to usurp, to the exclusion of others, a commercial intercourse which was the common possession of all." We see it stated, also, in the same message, that one of the main objects of the Panama Congress was "to take into consideration the means of making effectual the assertion of THAT principle, as well as the means of resisting interference from abroad with the domestic concerns of the American Governments." And should not this satisfy my friend from Virginia [Mr. Mason] that the import of those two principles extended further than the circumstances that gave them birth? I have still some additional evidence to show how strangely mistaken he was when he thought he discovered in Mr. Rush's Notes on his mission to England convincing intimations of his having entertained, in reference to the same question, the restricted views which the honorable Senator has expressed. In his communication to the American Secretary of State, dated April 30, 1823, I find the impressive remark, that he is "fully sensible of the magnitude of the subjects to be treated of, and of their momentous bearings, *in present and future ages*, upon the interests, the welfare, and the honor of the United States."

These doctrines had originated in the principle of proximity, which all writers on public law admit to be the paramount rule of a nation's policy with reference to all matters that may endanger its safety. Rufus King, while our Minister to England, in 1801, had an eye to that principle, when, taking the alarm at the rumored cession of Louisiana by Spain to France, he presumes to interpose his objections to let any European Power make new acquisitions on this continent, and to insist that Louisiana should remain in the possession of Spain, if it had not to fall into that of the United States. How wittingly he quotes the unsparing sarcasm of Montesquieu, who remarks that "it is happy for trading Powers that God has permitted Turks and Spaniards to be in the world, since, of all nations, they are the most proper to possess a great empire with insignificance." Mr. Livingston, then our Minister to France, is still more restless than Mr. King himself. While industriously engaged in seeking information with reference to the true state of things, he takes occasion to allude to certain mischievous proceedings had, on the part of Spanish officials at New Orleans, towards citizens of the United States, and unceremoniously expresses the wish that our Government may avail itself of the pretense Spain has given us, at once to *take possession* of Louisiana. "It will be best," says he, "to treat with the subject in our hands."

Thus early sprung up in the minds of our statesmen the consciousness of the impending danger attaching to any enterprise through which foreign Powers might seek to resume or extend their dominion over this continent. And when the days of Mr. Monroe came, what had assumed but the form of a suggestion in 1801, grew up to the dignity of an axiom. And, indeed, sir, it matters little whether or not Mr. Monroe's sentiments on this all-important subject were intended to reach other cases than that on the occasion of which he thought proper to proclaim them to the world. They have so far infused themselves into the public mind that the power exists not that can divest them of their ominous significancy. They are deeply seated in every American heart, and dislodge them thence who can. Besides, sir, what is the use of debating whether they were intended for future ages? Are they not adapted to our present condition? And shall we repudiate them when we are taunted with the threats of Powers smarting under what they consider to be the inflictions of our growing greatness?

Sir, I am against this Government favoring any scheme through which an attempt might be made to wrest Cuba from Spain, in violation of the strictest precepts of the law of nations. But it were idle for us to disguise that there are contingencies under which it might not be possible for us to avert the necessity of laying hands over it. Why, Mr. Everett himself cannot forbear setting forth those circumstances which might, in the future, bring the great crisis within the pale of immediate action. How candidly does he avow that no administration of this Government, however strong in the public confidence in other respects, could stand a day under the odium of having entered with the great Powers of Europe into stipulations through which the exigencies arising out of those circumstances might be repudiated! Most skillfully does his letter present to the consideration of the British and French Ministers the various contingencies that might press upon us the necessity of its acquisition. See how guardedly, and yet how pointedly, they are enumerated in the closing page of that most curious and interesting document. *First*, "A change of circumstances." What those circumstances may be, it is not for me to say; I will, however, take it for granted that they have some reference to those *domestic reasons* which disincline the President, *at present*, to effect its acquisition on any terms. The *second* is the prospect of an "amicable arrangement with Spain;" and this I suppose, means a purchase, should ever Spain make up her mind to sell. The *third* is "*an act in a lawful war;*" and that might suggest an idea of conquest. The *fourth* is "the consent of the inhabitants;" and this looks to their independence. The *fifth* is "the overruling necessity of self-preservation;" and this lays open before us the full scope of all those complications I had occasion to allude to, which may, from hour to hour, ask at our hands prompt and energetic action.

Yet, sir, how far is all this from the true state of the national sentiment on the same subject! I am for disguising nothing. Truth is not only a virtue; it is wisdom. Perhaps the time is not far distant when the question of the possession of Cuba may have to be weighed as a contest of power in the scale of war. And while it is for us openly to avow what unbending exigencies a stern and proximate future may have in store for our coming rulers, let Spain herself ponder on what her perils may be, under the pressure of such exigencies.

Sir, I am against purchasing Cuba. The idea must be abandoned. It is obsolete. Whoever knows anything of the high-toned susceptibilities of Castilian pride, could hardly presume to counsel the approach of so delicate a question as of one that could be dealt with through mere dollars and cents. I am unwilling to wound those susceptibilities. And they are not the only obstacles in the way of a purchase. There are still other susceptibilities which ought to be spared. One could hardly conceive of any inducement which could prompt the inhabitants of Cuba to join us in the attitude in which they would be placed by a purchase. They are also proud and haughty,

and might be unwilling to accept even their liberation, if purchased at such a sacrifice of what they deemed to be their dignity and honor. Were it not better for Spain to take counsel from the past, and turn to profit the lessons of the history of her own relations, as well as that of the relations of England, with the colonies of this continent? What has it availed them to resist the wisdom of those statesmen who advised a reconciliation of their mutual interest and wishes upon the basis of the independence of the colonies? Had she not better bravely face the future, and ask herself if it be not time for her to realize that mighty boast of Canning with respect to what remains of her colonies within the waters of this continent, and to call a new nation into existence? Might she not, by treaty, secure what there is valuable in the commerce of that island with the mother country? And would not this political child of her old age willingly come forth, and, assuming its share of the burdens which so heavily load her, aid towards the restoration of her finances, and thereby facilitate those improvements which of late have marked a new era in the tendencies of Spain, and may prepare for her destinies worthy of her past?

To us, Mr. President, the independence of Cuba is just as desirable as her annexation to this Confederacy. That there is a spirit amongst its inhabitants which must, sooner or later, rouse them to a decisive stand against their present rulers, cannot be the subject of a doubt with any thinking man. The very disasters which have befallen those who, in times past, hoisted the banner of rebellion, will be but new inducements for renewing the attempt. Misfortune but nerves those whose breasts shelter noble aspirations; and while great and powerful emotions spring from impending dangers, a host of virtues rise in arms to brave them.

Let not Spain be deceived. Let her not slumber, wrapt in deceitful security. It would not do for her to indulge in enervating dreams. One cannot repel the invasion of advancing years by the remembrances of youth. Cuba cannot long be hers; and its becoming African, would not redeem its loss. We can have no wish that it become a bone of contention between her and us. As long as the Powers of Europe shall not presume to interfere with the relations which its proximity to our shore, and the possibility of its being made an obstruction to one of our great commercial outlets, create between her and us, she need apprehend no tampering on our part with any scheme that may be devised against its remaining longer under her dominion. Should, however, her sons assert and vindicate the eternal rights of freemen, and, being grown to manhood, claim to be their own rulers, let her not take offense at our pursuing towards them the course which we pursued towards her other colonies when they were preparing for their independence. When a country reaches that amplitude of consequence and power which reveals its ability to suffice to its own government, we deem that it becomes of right entitled to independence of State.

I am also unwilling to disguise that by suffering England and France to assume over her a kind of tutorship, and to become the guardians and sponsors of her sovereignty, Spain has surrendered her main title to the dominion of such possessions as she thus places under the strong arm of those Powers. The complications arising from that very state of things are but too well calculated to produce the very necessity which, under peculiar circumstances, and with the law of nations pleading for us, might justify on our part one of those decided measures which are not uncommon in the history of nations, and might entirely invert the relations in which we stand to her. This I most earnestly wish to avoid. And whatever there is in reserve for us, in a more or less distant future, I am willing to leave for the untrammeled wisdom of those in whose keeping our destinies will soon be.

But let not Spain be unmindful of her true position, and think that she can, by unworthy devices, protect her possessions against their impending doom. In vain would she direct her Ministers to let the island sink into the ocean rather than see it transferred to any other Power. Should the hurricane rage, the island would still be found looming above the waters, and smiling upon the angry wave, while her sovereignty might disappear in the storm. When the time comes, neither the surges of the sea, nor her forts, nor her cannon, nor her garotes, nor the edicts of her Galianos, will save her from our mighty grasp. Hear the historian: "In vain did Sabinus place ancestral statues 'upon the threshold of the gates of the Capitol, 'that they might prevent the enemy from penetra-'ting, torch in hand. The very eagles supporting 'the arches took fire, and communicated it to the 'edifice."

Mr. CASS. Mr. President, I should be unwilling to address the Senate upon the general subject at this time, when we have just listened to the eloquent remarks of the honorable Senator [Mr. SOULE] who has but now resumed his seat—remarks which I have not heard surpassed in this body, either in power or beauty. I do not intend to commit the folly of provoking a contrast, under such circumstances; but I have prepared extracts from several documents, touching the question, which has been raised of the extent and duration of the Monroe doctrine, and I desire to accompany them with some brief observations, which I will now submit to the Senate, if I can be favored with its attention for a few minutes.

For thirty years the world, at any rate the American portion of it, and a good deal of the European, has talked of the MONROE DOCTRINE, and every school-boy thought he understood it, and that it was founded upon a great principle, that *the destiny of this hemisphere should be controlled by the people inhabiting it, and that European influence should be excluded from it, as far and as fast as existing rights would permit.* Mr. Monroe, in 1823, presented, in a message to Congress, his general views of the relations of the Powers of Europe to this continent, as well with respect to their interference with its independent States, as to projects of new colonization. To be sure, as has been remarked, these two topics are to be found in different parts of the same message, but merely because each connected itself more directly with different practical measures; but both together formed his DOCTRINE, which was founded on the great principle advanced by Mr. Jefferson, that "America, North and South, has a set of interests 'distinct from those of Europe, and peculiarly her 'own. She should therefore have a system of her 'own, separate and apart from that of Europe." And by Mr. Polk, "that the people of this continent have a right to decide their own destiny."

Mr. Polk, in 1848, when the "Holy Alliance" was a matter of almost remote history, in a message to Congress on the subject of the application of the Government of Yucatan for aid against the Indians, reaffirmed the Monroe doctrine, and observed:

"According to our established policy, we could not consent to a transfer of this dominion and sovereignty either to Spain, Great Britain, or any other European Power. In the language of President Monroe, in his message of December, 1823, 'We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.' Our own security requires, that the established policy thus announced should guide our conduct, and this applies with great force to the peninsula of Yucatan."

It would be a mere waste of time to comment upon these views of Mr. Polk. They speak for themselves with equal force and clearness, and they were avowed more than a quarter of a century after Mr. Monroe had promulgated his doctrine, thus considered by Mr. Polk as the permanent American policy. The principles it asserts are perpetual in their obligation, and the policy itself challenges our attention and enforcement, in all time, present and to come.

It is now said that this Monroe doctrine, so far as respects the independent States of the continent, embalmed, as it was and is, in the hearts of the American people, instead of being a great system of policy, as enduring as our political condition, was but a temporary measure, applicable only to the anticipated design of the "Holy Alliance," as it was *unholily* called, to restore the recently-emancipated American States to the dominion of Spain. Instead of being a great principle of action, worthy of this Republic, it would thus become a mere expedient, passing away with the occasion, that called it into being. Whether this be so or not is a question which does not touch the subject before the Senate, for that must be determined upon its own merits, and not upon the authority of names, never, however, to be slightly regarded; but it touches the fame of Mr. Monroe as a practical and enlightened statesman, for such he truly was; but upon this construction of his views he did not comprehend the consequence of his own positions, and could not see that the grounds of his policy extended beyond the single case then more immediately before him. His principles were unquestionably called out by the peculiar danger of the South American States, and by the claims of Russia on our north-western coast. These circumstances led him to this investigation into the principles of our position with respect to this continent, and the result we have in this farfamed message.

And generally, it happens in the policy of nations, that particular exigencies call forth the discussion and assertion of great principles; but while the former disappear in the march of events, the latter remain to be reasserted and maintained, under all circumstances to which they are applicable. As the foundation of his doctrine, he assumed the then existing *status* or condition of the continent, disclaiming all intention of interfering with existing rights, but maintaining principles which denied to the Powers of Europe the assumption to interfere with any independent State at any time thereafter, or ever plant or establish new colonies. Upon these general principles, European influence might decrease in this hemisphere, but could not increase; for independence, once obtained, then and thereafter, the States so obtaining it passed from the danger of European subjugation, and would be beyond the reach, not of Spain merely, but of France, or England, or any other transatlantic Power. And I may remark here, as a proof that Mr. Monroe considered both of the topics in his message but parts of one plan of policy, that in the anti-colonization passage he makes no reservation of existing colonial rights, but declares, that these would be respected, in that part of the message where he protests against the subjugation of the Spanish States, thus showing the intimate relation of the whole subject in his mind. This inquiry into the origin of this doctrine belongs, in truth, to the domain of history, and not to that of our permanent policy; for the name of the doctrine, whether Monroe, or Polk, or Jefferson, or yet better, American, matters little; the true question being whether it shall be enforced, now and hereafter.

But Mr. Monroe, in his message of December, 1824, a year after the one containing the views referred to, renewed the subject, and in such language as leaves no doubt, but that this DOCTRINE, in his view of it, was perpetual, and to be made part of our national code of policy. He said:

"Separated as we are from Europe by the great Atlantic ocean, we can have no concern in the wars of the European Governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn, in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every Power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us. Indeed, the motive, which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear equally applicable to us."

Now, it will be seen, that these principles had no peculiar relation to the "Holy Alliance," as it is contended those of the first message had, but they extend to all time, and to all the European Governments. Indeed, we learn from Mr. Clay, in some remarks made in the House of Representatives in June, 1824, that the fear of the action of that alliance upon these States had given way, and "that if such a purpose were ever seriously entertained, it had been relinquished." Mr. Monroe, in fact, in the passage from which the above extract is taken, considers the condition of these States much improved and strengthened, and his observations evidently bear upon future difficulties, not then foreseen, but which might happen, and would then have to be met. We may yet have to meet them.

Mr. Monroe, it is well known, was in the habit of consulting Mr. Jefferson in all grave conjunctures, and fortunately he consulted him on the subject of his doctrine, and we have the senti-

ments of that patriarch of the Democratic faith in relation to it. These are to be found in a letter from him to Mr. Monroe, dated October 24, 1823, a few weeks before the message appeared, written in answer to Mr. Monroe's application for his opinion.

Mr. Jefferson said:

"The question presented by the letters you have sent me, is the most momentous, which has ever been offered to my contemplation, since that of independence. That made us a nation; *this sets our compass, and points the course, which we are to steer through the ocean of time.* And never could we embark on it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. *Our second, never to suffer Europe to intermeddle with cisatlantic affairs.* America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe; the last is laboring to become the domicil of despotism—our endeavor should surely be to make our hemisphere that of freedom."

Can one man be found, who will contend, that these noble sentiments, worthy of him who uttered them, and now become a precious legacy for the American people,—can one man, I say, be found, who will venture to contend, that these words of wisdom and patriotism are temporary in their force and application, belonging only to the passing hour, and confined to the efforts of a league, which, I believe, died before the writer, short even as was his tenure of life? Thus to narrow down a great national principle, is wholly to mistake the liberality and far-reaching policy of this, the greatest of American statesmen, after the first and the dearest, Washington. "His OCEAN OF TIME OPENING UPON US" was bounded by no such contracted limits. It was a true ocean, and not a mere duck-pond.

And this same letter of Mr. Jefferson exhibits, in a still more signal manner, the vast importance he attached to this principle of never suffering "Europe to intermeddle with cisatlantic affairs." Why, sir, he was actually ready, even then, to go to war for its practical maintenance. He was far ahead of all of us, and I must confess that I have seldom been more gratified, than to find myself thus not only supported, but anticipated by a name, which will live in the hearts of the American people as long as they cherish a reverence for real patriotism, true Democracy, and the highest qualities of our nature, ennobled by a life devoted to his country. I can now stand proudly upon this position, pointing to Mr. Jefferson's declaration, that he was willing to fight even along side of England in such a cause—"not that I would purchase," he says, "her amity at the price 'of war. But the war in which the present prop-'osition might engage us, should that be its con-'sequence, is not her war, but ours. Its object is 'to introduce and establish the American system 'of keeping out of our land all foreign Powers, of 'NEVER, (not to-day,) of NEVER permitting those 'of Europe to intermeddle with the affairs of our 'nations. It is to maintain our own principle, not 'to depart from it." Any question of the justice or expediency of the first of these resolutions, I may hereafter consider a question between the objector and Mr. Jefferson, and not one between the former and myself.

The opinion of Mr. Adams, who of course could not but understand the views of Mr. Monroe, as he was then Secretary of State, and of Mr. Clay, who took a deep interest in this matter, and introduced a joint resolution into the House of Representatives on the 29th of January, 1824, affirming the non-interference doctrine of Mr. Monroe, are distinctly shown in the instruction of Mr. Clay to Mr. Poinsett, dated March 25, 1825, wherein Mr. Monroe's message and principles are referred to, and their existing force asserted and assumed. Mr. Clay, while reporting these instructions to Mr. Adams, for transmission to the House of Representatives, observes, "that 'all apprehension of the danger to which Mr. 'Monroe alludes, of an interference by the allied 'Powers, (otherwise the 'Holy Alliance,') to 'introduce their political systems into this hemi-'sphere, have ceased." But notwithstanding this, in these instructions to Mr. Poinsett, he is told that the great principle of non-interference "was declared in the face of the world" (by Mr. Monroe) "at a moment when there was reason to appre-'hend, that the allied Powers were entertaining 'designs inimical to the freedom, if not to the 'independence, of the new Governments. There 'is reason to believe, that the declaration of it had 'considerable effect in preventing the maturity, if 'not in producing the abandonment, of all such 'designs. Both principles [this and the anti-col-'onization one] were laid down after much and 'anxious deliberation on the part of the late Ad-'ministration. The President, [Mr. Adams,] 'who then formed a part of it, continues entirely 'to coincide in both, and you will urge upon the 'Government of Mexico the utility and expedi-'ency of asserting the same principles on all 'proper occasions."

What principles? Not a single one, so narrow and temporary, as to be confined to a mere passing occurrence, to a league which had as much passed away from any operation on this continent as the Grecian league for the destruction of Troy. If Mr. Adams and Mr. Clay did not wholly misunderstand Mr. Monroe's doctrine, it was precisely the doctrine enunciated in the resolution before the Senate. One fact stated by Mr. Clay upon the authority of Mr Adams, shows, that this declaration of Mr. Monroe was a Cabinet measure, fully considered, and no doubt amply discussed. Indeed, without this authority, judging from the cautious character of Mr. Monroe, it would have been safe to conclude, that so important a step would not have been taken by him without consultation with his confidential advisers. And especially, as it is known that his messages, before being sent to Congress, were always read, and, if occasion required, discussed, paragraph by paragraph, at Cabinet meetings; and such indeed was the practice of his predecessors.

Mr. Clay states that the declaration of Mr. Monroe had been useful. Still its efficiency was limited by the considerations already adverted to, that it was the act only of the Executive Department, which could not pledge the nation to any particular course of policy. Congress alone could do that; and the propriety of its action was so obvious, that both Mr. Clay and Mr. Poinsett introduced resolutions into the House of Representatives affirming the doctrine. It is probable, that the reason given by Mr. Clay for not pushing the one presented by him to a final vote, operated also on others; and that was that the apprehended danger from the "Holy Alliance" had disappeared, and I suppose, then, as now, the difficulty of carrying such a measure increased, as the cause of apprehension decreased. We stopped short in our true work, and waited for another expedient before proclaiming a principle. Mr. Jefferson also, with his sound practical wisdom, saw that Mr. Monroe's declaration, in order to attain its object, needed the support and authority of Congress; and he therefore recommended to him, in the letter already referred to, that "as it may lead to war, 'the declaration of which requires an act of Con-'gress, the case shall be laid before them for con-'sideration at their first meeting, and under the 'reasonable aspect, in which it is seen by himself," (the President.)

With respect to Cuba, I am glad to be able to fortify my position by the opinions of both Mr. Jefferson and Mr. Clay. No man will now accuse either of those distinguished statesmen with being influenced by any other motives, than a love of country, and a desire to promote her interest in a spirit of justice.

Mr. Jefferson, in the same letter, said:

"I candidly confess I have ever looked on Cuba as the most interesting addition, which could ever be made to our system of States. The control, which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as those whose waters flow into it, would fill up the measure of our political well being. Yet, as I am sensible that this can never be obtained, even with her [Spain's] own consent but by war, [he means a war with England from her opposition to the measure,] and its independence, [that of Cuba,] which is our second interest, and especially its independence of England can be secured without it, I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association [query: accession?] at the expense of war and her enmity."

It is due to Mr. Jefferson to state, that at the time he wrote, free institutions through the world seemed to have much to apprehend from this Holy Alliance, and believing that England was really desirous of thwarting their views, he was therefore the more willing to act in concert with her.

Thirty years have produced a wonderful change in the world, since these remarks of Mr. Jefferson. They have produced none in our interest and our desire to procure Cuba, when we can do it justly, nor in our willingness, that it should become independent. But as to any fear that England would oppose us in taking possession of Cuba, under a voluntary arrangement with Spain, or under any other proper circumstances, it is a feeling which will never, I trust, enter into our public councils, certainly never into the hearts of the American people. Events since that period have augmented our power in a mighty ratio, and have taught us to use it when our honor and interest require the exertion. Mr. Jefferson, when he wrote this letter, undoubtedly supposed that Cuba would follow the example of the other Spanish provinces, and become independent.

Mr. Clay appreciated the importance of Cuba, as well as of Porto Rico; for we find, in a letter which he wrote to Mr. Middleton, on the 26th of December, 1825, that Minister was directed to inform the Russian Government that "we cannot 'allow the transfer of these islands to any Euro-'pean Power;" and the same determination was avowed, in still stronger terms, in a dispatch to the American Minister to Paris, to be made known to the French Government, "that we would not 'consent to the occupation of those islands by any 'other European Power than Spain, *under any* 'circumstances whatsoever."

Now, sir, I shall pursue this topic no further, satisfied that these resolutions are not only just in themselves, but that they assert a system of policy sanctioned by the opinions of some of the highest names in our political history. It will appear, in looking back to the extracts I have made from the letter of Mr. Jefferson, that I am supported by the weight of his opinion in the following propositions, embodied in or connected with these resolutions:

First. That European Powers should not be permitted "to intermeddle with cisatlantic affairs," meaning thereby those affairs which relate to the political condition of the people of this continent, and accepting the reservation of Mr. Monroe that existing colonial rights should not be interfered with.

Second. That this doctrine should be adhered to, even, if necessary, at the expense of war.

Third. That the United States have a deep interest in the acquisition of Cuba, and that if we cannot obtain possession of it without too great a cost of blood or treasure, it must be secured (especially from the control of England) by its independence. And we may add, now, since circumstances have much changed, and the immediate dangers, then impending over the island have passed away, that it may with safety remain in the possession of Spain, so long as she can hold it, and takes no step to convert it to our injury.

Fourth. That it is proper, that declarations upon these subjects should be submitted to Congress, in order to procure their coöperation, as, without it, such declarations might be fruitless.

Fifth. In addition to these propositions, there is another opinion advanced by Mr. Jefferson in this letter, which I confess I have read with unmixed satisfaction, for it confirms in full the propriety of the proposition, which I submitted to the Senate at our last session, to *declare our protest* against the atrocious violation of the rights of nations by the interference of one Power, the Emperor of Russia, in the internal affairs of another, the Hungarian kingdom. Mr. Jefferson's words deserve to be held in perpetual remembrance. Here they are:

"Nor is the occasion to be slighted, which this proposition offers, of declaring our protest against the atrocious violation of the rights of nations, by the interference of any one in the internal affairs of another, so flagitiously begun by Bonaparte, and now continued by the equally lawless alliance, calling itself holy."

Here we have the principle distinctly asserted of the propriety of a national protest upon such an occasion, and we have the authority of the very author of the expression "entangling alliances," so triumphantly appealed to last session as a reason for our inaction, for denying its applicability to the case; which, indeed, ought to have been obvious enough, without this exposition of his own doctrine, unless it could be shown, that we could form an alliance without allies, and that allies are created simply by a protest against an assumption

to prostrate a great principle of public law which protected the freedom and independence of nations. *But we could not keep on the line of political knowledge*, and shrank from the responsibility imposed upon us by our position as the great Republic of the world. We now know, that Mr. Jefferson would have voted for the proposition had he then been a member of this body. That is honor enough for those of us, who found ourselves in the minority.

Mr. SEWARD. I have some remarks to submit upon this question; and I will, therefore, as the usual hour of adjournment has arrived, and as the Senate may not desire to sit longer, move that the Senate adjourn.

Mr. DIXON. I hope the Senator will withdraw that motion for a moment.

Mr. SEWARD. The honorable Senator from Kentucky gave notice the other day, that he intended to move to refer the resolutions before us to a committee, with instructions. Those instructions I should like to see before I address the Senate. I therefore withdraw my motion and yield the floor to him for the purpose of moving that they be printed.

Mr. DIXON. When this subject was last before the Senate, I gave notice that I should, at the proper time, move to refer the resolutions offered by the Senator from Michigan, and the amendment of the Senator from New Hampshire, to the Committee on Foreign Relations, with the following instructions, which I now present to the Senate.

"First. That the said committee be instructed to examine the treaty concluded at Washington, on the 4th day of July, 1850, between her Majesty the Queen of Great Britain, by her Minister Plenipotentiary, Sir Henry L. Bulwer, and the Government of the United States, by John M. Clayton, Secretary of State; and ascertain whether the Government of Great Britain, since the ratification of said treaty, has violated any of the provisions thereof, by the establishment of any colonial government, the construction of fortifications in Central America, or otherwise; and that they report the facts in connection therewith; and if, in their opinion, there has been any violation of said treaty, that they may make further report, by resolution, of such measures as they may deem necessary to enforce a faithful observance of the stipulations of said treaty, and preserve the honor and interest of the country.

"Second. That said committee inquire and report whether or not the establishment in the Bay of Honduras, by the Government of Great Britain, of the colony called 'the Bay of Islands,' is or is not a violation of the provisions of the said treaty, or of the doctrines of Mr. Monroe, as proclaimed in his message of the second of December, 1823, on the establishment of colonies on this continent by European Powers: and if it shall appear that the rights of the United States have been invaded, by either a disregard of the provisions of the said treaty, or of the doctrines proclaimed by Mr. Monroe in his message aforesaid, that they report the facts to the Senate, together with such measures as, in their judgment, may be deemed necessary to vindicate the honor of the country.

"Third. That said committee inquire whether the seizure by the French Government of the peninsula of Samaná, in the Republic of Dominica, is or is not a violation of the same great principle proclaimed, as aforesaid, in the message of Mr. Monroe, and if so, what action is necessary on the part of this Government to protect itself against such encroachments on its rights."

Mr. SEWARD. I hope they will be printed.

Mr. DIXON. I move that they be printed.

The motion was agreed to.

WEDNESDAY, *January* 26, 1853.

The Senate resumed the consideration of the joint resolution.

The pending question being on the motion of Mr. DIXON to refer the resolution and the amendment of Mr. HALE to the Committee on Foreign Relations, with certain instructions.

Mr. SEWARD said: Mr. President, on the 23d day of February, 1848, John Quincy Adams, of Massachusetts, who had completed a circle of public service filling fifty years, beginning with an inferior diplomatic function, passing through the Chief Magistracy, and fitly closing with the trust of a Representative in Congress, departed from the earth, certainly respected by mankind, and, if all posthumous honors are not insincere and false, deplored by his countrymen.

On a fair and cloudless day in the month of June, 1850, when the loud and deep voice of wailing had just died away in the land, the Senator from Michigan, of New England born, and by New England reared, the leader of a great party, not only here, but in the whole country, rose in the Senate Chamber, and after complaining that a member of the family of that great statesman of the East, instead of going backwards with a garment to cover his infirmities, had revealed them by publishing portions of his private diary, himself proceeded to read the obnoxious extracts. They showed the author's strong opinions, that by the Federal compact the slaveholding class had obtained, and that they had exercised, a controlling influence in the government of the country.

Placing these extracts by the side of passages taken from the Farewell Address of Washington, the Senator from Michigan said:

"He is unworthy the name of an American who does not feel at his heart's core the difference between the lofty patriotism and noble sentiments of *one* of these documents, and——; but I will not say what the occasion would justify. I will only say, and that is enough, *the other*, for it is *another*." * * * * "It cannot, nor will it, nor should it escape the censure of an age like this." * * "Better that it had been entombed, like the ancient Egyptian records, till its language was lost, than thus to have been exposed to the light of day."

The Senator then proceeded to set forth by contrast his own greater justice and generosity to the southern States, and his own higher fidelity to the Union. This was in the Senate of the United States. And yet no one rose to vindicate the memory of John Quincy Adams, or to express an emotion even of *surprise*, or of *regret*, that it had been thought necessary thus to invade the sanctity of the honored grave where the illustrious statesman who had so recently passed the gates of death was sleeping. I was not of New England, by residence, education, or descent, and there were reasons enough, why I should then endure in silence a pain that I shared with so many of my countrymen. But I then determined, that when the tempest of popular passion that was raging in the country, should have passed by, I would claim a hearing here, not to defend or vindicate the sentiments which the Senator from Michigan had, thus severely censured—for Mr. Adams himself had referred them, together with all his actions and opinions concerning slavery, not to this tribunal, or even to the present time, but to that after age which gathers and records the impartial and *ultimate judgment* of mankind—but to show how just and generous he had been in his public career towards all the members of this Confederacy, and how devoted to the union of the States, and to the aggrandizement of this Republic. I am thankful that the necessity for performing that duty has passed by, and that the statesman of Quincy has, earlier than I hoped, received his vindication, and has received it, too, at the hands of him from whom it was justly due—the accuser himself. I regret only this—that the vindication was not as generously as it was effectually made.

There are two propositions arising out of our interests in and around the Gulf of Mexico, which are admitted by all our statesmen. One of them is, that the safety of the southern States requires a watchful jealousy of the presence of European Powers in the southern portions of the North American continent; and the other is, that the tendency of commercial and political events invites the United States to assume and exercise a paramount influence in the affairs of the nations situated in this hemisphere: that is, to become and remain a great western continental Power, balancing itself against the possible combinations of Europe. The advance of the country towards that position constitutes what, in the language of many, is called "progress;" and the position itself is what, by the same class, is called "manifest destiny." It is held by all who approve that progress and expect that destiny, to be necessary to prevent the recolonization of this continent by the European States, and to save the Island of Cuba from passing out of the possession of decayed Spain, into that of any one of the more vigorous maritime Powers of the Old World.

In December, 1823, James Monroe, President of the United States, in his annual message to Congress, proclaimed the first of these two policies substantially as follows:

"The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power; and while existing rights should be respected, the safety and interest of the United States require them to announce that no future colony or dominion shall, with their consent, be planted or established in any part of the North American continent."

This is what is called, here and elsewhere, the Monroe doctrine, so far as it involves recolonization.

John Quincy Adams and John C. Calhoun were then members, chief members, of Monroe's administration. John Quincy Adams afterwards acknowledged that he was the author of that doctrine or policy; and John C. Calhoun, on the 15th of May, 1848, in the Senate, testified on that point fully. A Senator had related an alleged conversation, in which Mr. Adams was represented as having said that three memorable propositions contained in that message, of which what I have quoted was one, had originated with himself. Mr. Calhoun replied, that Mr. Adams, if he had so stated, must have referred to only the one proposition concerning recolonization, (the one now in question,) and then added as follows:

"As respects that, his (Mr. Adams's) memory does not differ from mine." * * * * * "It originated entirely with Mr. Adams."—*App. Cong. Globe*, 1847-8, p. 631.

Thus much for the origin of the Monroe doctrine on colonization. Now, let us turn to the position of John Quincy Adams, concerning national jealousy of the designs of European Powers upon the Island of Cuba. The recent revelations of our diplomacy on that subject begin with the period when that statesman presided in the Department of State. On the 17th of December, 1822, Mr. Adams informed Mr. Forsyth, then American Minister in Spain, that "the Island of Cuba had excited much attention, and had become of deep interest to the American Union;" and referring to reported rival designs of France and Great Britain upon that island, instructed him to make known to Spain "the sentiments of the United States, which were favorable to the continuance of Cuba in its connection with Spain." On the 28th of April, 1823, Mr. Adams thus instructed Mr. Nelson, the successor of Mr. Forsyth:

"The Islands of Cuba and Porto Rico still remain, nominally, and so far really dependent on Spain, that she yet possesses the power of transferring her own dominion over them to others. These islands, from their local position, are natural appendages to the North American continent; and one of them, Cuba, almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; *the character of its population*; its situation midway between our southern coast and the Island of St. Domingo; *its* safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial—give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations, formed by nature, gathering in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events, for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. It is obvious, however, that for this event we are not yet prepared. Numerous and formidable objections to the extension of our territorial dominions beyond sea, present themselves to the first contemplation of the subject; obstacles to the system of policy by which alone that result can be compassed and maintained, are to be foreseen and surmounted, both from at home and abroad; but there are laws of political as well as of physical gravitation; and if an apple, severed by the tempest from its native tree, cannot choose but fall to the ground, Cuba, forcibly disjointed from its own unnatural connection with Spain, and incapable of self support, can gravitate only towards the North American Union, which, by the same law of nature, cannot cast her off from its bosom.

"It will be among the primary objects requiring your most earnest and unremitting attention, to ascertain and report to us every movement of negotiation between Spain and Great Britain upon this subject." * * * * "So long as the constitutional Government may continue to be administered in the name of the king, your official intercourse will be with his Ministers, and to them you will repeat what Mr. Forsyth has been instructed to say, that the wishes of your Government are, that Cuba and Porto Rico may continue in connection with independent and constitutional Spain."

Thirty years afterwards, viz: on the 4th day of January, 1853, the Senator from Michigan, [Mr. CASS,] without one word of acknowledgment of Mr. Adams's agency in instituting those measures of "progress" towards the "manifest destiny" of the country, submitted the resolutions which are under consideration, and which are in these words:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States do hereby declare that 'the American continents, by the free and independent condition 'which they have assumed and maintain, are henceforth 'not to be considered as subjects for future colonization by 'any European Power;' and while 'existing rights should

be respected,' and will be by the United States, they owe it to their own 'safety and interests' to announce, as they now do, 'that no future European colony or dominion shall, with their consent, be planted or established on any part of the North American continent;' and should the attempt be made, they thus deliberately declare that it will be viewed as an act originating in motives regardless of their 'interests and their safety,' and which will leave them free to adopt such measures as an independent nation may justly adopt in defense of its rights and its honor.

"*And be it further resolved*, That while the United States disclaim any designs upon the Island of Cuba, inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that island, which, as a naval or military position, might, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts directed against them, to be resisted by all the means in their power."

In bringing together these actions of John Quincy Adams in 1822, and of the Senator from Michigan in 1853, and placing them in juxtaposition in the history of the Senate, I have done all that the Senator from Michigan seems to have left undone, to vindicate the departed statesman from the censures heaped upon him by the living one in 1850.

I proceed to consider the resolutions thus offered by the Senator from Michigan.

The honorable Senator from New Hampshire offers an amendment, as a condition of his vote, in these words:

"*And be it further resolved*, That while the United States, in like manner, disclaim any designs upon Canada inconsistent with the laws of nations, and with their duties to Great Britain, they consider it due to the vast importance of the subject to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, either peaceably or forcibly, of that Province, (which, as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their northern boundary, and to the lakes,) as unfriendly acts directed against them, to be resisted by all the means in their power."

I will vote for that amendment. It is not well expressed.

Mr. HALE. Will the honorable Senator allow me a moment? I am glad that my amendment meets his concurrence and will secure his vote; but as to the question of taste, I desire to say that it is copied word for word from the second resolution of the honorable Senator from Michigan, only striking out "Cuba" where it occurs, and inserting "Canada," and striking out "Spain" and inserting "Great Britain." I am, therefore, responsible for the policy involved in my amendment; but the question of taste belongs to the honorable Senator from Michigan. [Laughter.]

Mr. SEWARD. It is quite immaterial. I shall vote for it any how. It implies the same policy in regard to Canada which the main resolutions assert concerning Cuba. The colonies, when they confederated in 1775, invited Canada to come in. Montgomery gave up his life in scaling the Heights of Abraham, in the same year, to bring her in. Scott, in 1814, poured out his blood at Chippewa to bring her in. If the proposition shall fail, I shall lament it as a repudiation by the Senate, of a greater national interest than any other distinct one involved in this debate; but I shall, nevertheless, vote for the resolutions of the Senator from Michigan. I shall do so, because—

1st. The reverence I cherish for the memory of John Quincy Adams, the illustrious author of the policy which they embody, inclines me to support them.

2d. While I do not desire the immediate or early annexation of Cuba, nor see how I could vote for it at all until slavery shall have ceased to counteract the workings of nature in that beautiful island, nor even then, unless it could come into the Union without injustice to Spain, without aggressive war, and without producing internal dissensions among ourselves, I nevertheless yield up my full assent to the convictions expressed by John Quincy Adams, that this nation can never safely allow the Island of Cuba to pass under the dominion of any Power that is already, or can become, a formidable rival or enemy; and cannot safely consent to the restoration of colonial relations between any portions of this continent and the monarchies of Europe.

The reestablishment of such relations would of course reproduce, in a greater or less degree, the commercial and political embarrassments of our relations with other American communities, and even with European nations, from which we obtained relief only through the war of 1812, and the subsequent emancipation of the Spanish colonies on this continent, and their organization as free and independent Republics. Sir, I am willing, on the demand of the Senator from Michigan, or of any other leader, and without any demand from any leader, to declare myself opposed—radically opposed—opposed at all times, now, henceforth, and forever—opposed, at the risk of all hazards and consequences, to any design of any State or States on this continent, or anywhere else, which may, by possibility, result in reproducing those evils—the greatest which could befall this country, short of that greatest of all, to which they would open the way—the subversion of our own hard-won independence, and the returning dominion of some European Power over ourselves. I shall therefore vote for these resolutions, if it shall please the Senate to come to decisive action upon them, and I shall vote for reaffirming and maintaining the principles of John Quincy Adams, as defined in the Monroe doctrine, and in his policy in regard to Cuba, at all times, and under all circumstances whatsoever.

But while thus expressing my devotion to those principles, I cannot too strongly express myself against the manner in which they have been brought in issue, here on this occasion. The issue is made at a time, and under circumstances, which render it inevitable that we must fail, signally fail, in maintaining the great principles which it involves.

The issue is raised at a wrong time. We are more than half way through a session constitutionally limited to ninety days, and engaged with vast and various subjects which cannot be disposed of without long and most discursive debate.

I think the issue is raised in a wrong way. Practically, and by custom, the President of the United States holds the initiative of measures affecting foreign relations. The President now in the Executive House will go out in thirty days, and his sanction, even if we had it, would therefore be of no value. But even that sanction, such as it would be, is withheld—and, I must confess, rightly withheld. The people have elected a new President, who is just ready to assume, and upon whom the responsibilities of the conduct of foreign relations, for four years at least, must rest. Not only do we not know what his opinions on this question are, but our action would anticipate the publication of those opinions, and embarrass—is it too strong an expression to say, factiously embarrass?—the incoming Administration.

Moreover, we are not only required to advance in this matter without the light that Executive exposition might throw upon our path, but we are required to proceed without the aid or advice of the committee to whom the care of foreign relations has been confided by the Senate, and, as there is reason to believe, in opposition to their deliberate judgment.

Again, it results from the very nature of the case that a majority for the resolutions cannot be obtained, either in the Senate, or in the Congress, or in the country.

The principles involved in the resolutions have become a tradition among the American people, and on acknowledged occasions they would act upon them as traditions vigorously and with unanimity. On the other hand, the Americans are a practical people, engrossed with actual business affairs; and they will not act upon abstract principles, however approved, unless there be a necessity, or at least an occasion. So it has happened with the Monroe doctrine on colonization, and with the national policy concerning Cuba. They are thirty years old; they are generally accepted, and yet, not only have they never been affirmed by Congress, but Congress has refused to affirm them, solely for the reason that there was no pressing necessity, no particular occasion, for such an affirmation. Whenever a necessity or an occasion arises, it produces a popular sentiment or passion. The northern States are content now; they do not fear recolonization, and do not want Cuba. The southern States are content; they do not now desire political excitement, and they are not prepared for anything that may involve the nation in war. It is not to be denied, also, that the recent unwise and unnecessary exposition of our diplomatic correspondence throughout a period of thirty years, concerning the Island of Cuba, is regarded as having created embarrassments which only the lapse of some time can remove.

The Senator from Michigan seems to be aware of these difficulties, and therefore he labors to show that there is a *necessity*, or at least an *occasion* for action. But he fails altogether in showing any *new* occasion—which, to the apprehension of the Senate and country, is equivalent to failing to show any necessity or occasion at all. What are his facts? 1st. In regard to Great Britain and recolonization. The grasping spirit shown by Great Britain in the Maine border question, and in the Oregon question. The Monroe doctrine, as expounded by Monroe himself, declared that *existing* rights were to be respected—Great Britain asserted that her claims in those cases were existing rights. Those questions have been settled, rightly or wrongly, and have passed away. What more? The British claim on the Mosquito coast. That, also, is settled by treaty. The organization of the Bay of Islands as a distinct colony. That, too, falls within the subject-matter of a treaty. In each of these cases Great Britain has violated treaty stipulations, or she has not. If she has not, then there is no cause for any action; if she has, then the remedy is not an affirmance of the Monroe doctrine, but direct protest or war.

I give Great Britain small credit for moderation. I think she has just as much as we have, and no more. We are of the same stock, and have the common passion of a common race for dominion. But the country will be unable to discover that the recent events show any aggressions on her part, which constitute an occasion for an affirmance of the Monroe doctrine by Congress.

And now, secondly, as to Cuba. What has Great Britain done? Nothing but just what we have done. She has sent armed ships to prevent invaders from revolutionizing the island, and so severing it from its ancient connection with Spain. We have done the same. She has also proposed to enter into an agreement with us, that neither will acquire Cuba, or suffer others to acquire it. We have declined. The natural conclusion would be, that she was more forbearing than we. But the Senator avoids this by charging that the proposition was insincerely and hypocritically made on her part. British writers were before him in making that charge against us, founded on our voluntary revelations of our own diplomacy in regard to Cuba. I am too American to confess their charge to be just, and not enough American to fling it back upon Great Britain for mere retaliation.

What has France done by way of recolonization? Nothing. A French adventurer, Count Boulbon, has attempted to revolutionize the Mexican State of Sonora, and failed. There is not a word of evidence to connect the French Government or people with that movement. And for all that French newspapers here or in Paris may say, we know full well, that just as fast as the Mexican States shall be severed from the Mexican stock, by whomsoever it may be effected, they will seek annexation, not to France or any other European Power, but to the United States. Nor has France interposed, in regard to Cuba, otherwise than as we have ourselves interposed, to keep it in the possession of Spain.

So much for the *acts* of European Powers on the subjects of colonization and Cuba.

What remains of the Senator's case seems scarcely to merit grave consideration. It consists, first, of ominous articles in newspapers. But even we, the most newspaper-loving nation in the world, make our designs and policy known, not through the newspapers, but by public acts and official agents; and France and Great Britain do the same. The press speaks on all occasions, but for itself always. No wise and calm statesman in either country feels himself compromised by what the press may assume to speak for or against him, much less does either Government acknowledge any necessity for avowing or disavowing what the press may allege. The language of the press of any country, therefore, even if it were general, would not warrant national action by any other Government—much less would that lan-

guage warrant such action when it was spoken by only one out of a thousand or five thousand journals.

Secondly, the Senator from Michigan invokes our attention to what Lord George Bentinck has said in the British Parliament. Well, sir, that is important. What an English Lord has said, and said in *Parliament*, too—that must be looked into. Well, what did Lord George Bentinck say? Sir, he said very angry things—very furious things—indeed, very ferocious things. Prepare yourself to hear them, sir. Lord George Bentinck did say, in so many words, and in Parliament, too! what I am going to repeat. His lordship did say that—

"He quite agreed with Captain Pilkington."

Ay, sir, his lordship did say that "he quite agreed with Captain Pilkington!" Ominous words—fearful conjunction; an English Lord and an English Captain. But this was not all, not by any means all that Lord George Bentinck said. He said, also:

"They would never put down the slave trade, so long as it depended upon blockading ten thousand two hundred and sixty miles of coast, and he would do what Captain Pilkington had recommended."

And what do you think it was that Captain Pilkington had recommended? Be patient, I pray you, and hear Lord George Bentinck explain. What Captain Pilkington recommended was, "to 'strike a blow at the *head*, and not the *hand*. 'He would not send an army to destroy every in-'dividual hornet, but he would go to the hornet's 'nest at once." Yes, sir; and Lord George Bentinck not only echoed all these severe things which had been said by Captain Pilkington, as aforesaid, but he said also on his own account, "Let us take 'possession of Cuba, and settle the question alto-'gether. Let us distrain upon it for the just debt 'due, and too long asked in vain, from the Span-'ish Government." As for the rest of the alarming sayings of his lordship, I forbear from repeating them. Are they not written in the Appendix to the Congressional Globe, for the years 1847 and 1848, published by Blair & Rives, printers of the Debates of Congress, at page 607?

And now, sir, it may assuage the passion and abate the fear that these threats of Lord George Bentinck to distrain upon a hornet's nest have excited, when I state, first, that they are old, and not new. They were uttered four years ago: namely, on the 3d of March, 1848. Secondly, that George Bentinck was only a lord by courtesy, and so not a real lord at all. Thirdly, that Lord George Bentinck was in a very harmless minority in Parliament when he uttered them, it being, indeed, unknown that he had any confederate in his wicked designs but Captain Pilkington. Fourthly, that this alleged speech was brought before the Senate and the American people, in 1848, by a late member of this body, whose constitutional proclivity to wit and humor was so great as to justify the belief that the speech, like the Donaldson and Greer correspondence, was a hoax, (Mr. W.) Fifthly, that Lord George Bentinck died some years ago, and Captain Pilkington not having been heard of for a long time, there is a strong presumption that the loss of his noble friend and chivalrous ally has thrown him into a decline.

The tone of the speech of the Senator from Louisiana, [Mr. SOULE,] was one of complaint against the Administration of our Government, and against France and Great Britain. The Administration was censured for austerity towards the associates of Lopez. But either it could have protected or vindicated them consistently with law and treaties, or it could not. If it could, then the Senator's censures are too lenient; if it could not, then they are altogether unjust. Since the day when the gifted, ingenuous, and gentle Andrè was executed on a gallows as a spy, by order of Washington, we have known the painful delicacy of executing general laws upon persons whose motives and bearing justly excited our respect and compassion. The Senator's sympathy in this case is right. It is only the perversion of it to awaken prejudice against the Administration that I condemn. Again: France and Great Britain are said to have menaced us, by saying in their correspondence that a renewal of such an expedition as that of Lopez might endanger the peace of the nations. No such expedition can be undertaken of which it can be certainly affirmed that it will not in its consequences lead to a war. I think, therefore, that none but a jaundiced eye, such as does not belong to the President, or to the Secretary of State, could have discovered the insult thus complained of, and therefore they may be excused for having received it in silence.

The Senator shows us that six or seven years ago Spain herself meditated the establishment of a monarchy in New Granada, and only one hundred and forty years ago, a proposition was made to the British Ministry to privately seize the island of Cuba in a time of peace and friendship with Spain. These facts would have been pertinent, perhaps, if the Senator had advised us to seize the Havana. But I understood him, on the contrary, to discountenance not only conquest, but even purchase, and to agree with those of us who propose to wait for the fruit to ripen, although he has been at some pains to show us that it may rot in the ripening. Indeed, Mr. President, the Senator's argument seemed to me a meandering stream, that visited and touched all the banks of controversy, but glided swiftly away from them, and especially avoided plunging into the depths of any conclusion.

Its tendency, I think; was to exasperate the American people against the European Powers, and to irritate them. I cannot sympathize with such a spirit. I would submit to no real wrong, and justify no oppression or tyranny committed by them. But, on the other hand, I will seek no factitious cause of controversy. I want no war with them. We are sure to grow by peace. A war between the two continents would be a war involving not merely a trial which was the strongest, but the integrity of our Republic. Before such a war shall come, I want to see Canada transferred from her false position in Europe, to her true position on this continent, Texas peopled like Massachusetts, the interior of the continent cultivated like Ohio, and Oregon and California not only covered, like New York, with forts and arsenals, and docks and navy-yards, but grappled fast to New York and Washington by an iron chain that shall stretch its links through the passes of the Sierra Nevada and the Rocky Mountains.

The Senator tells us that the question of the acquisition of Cuba may be upon us to-morrow, and may not be upon us for twenty-five years. That is to say, it stands now, so far as we can see, where it has stood for twenty-five years past. But he advises us to be ready. That is just what I propose to do. And the way to keep ready is to keep cool. If we keep cool, we shall be none the less prepared, if the portentous question shall indeed come to-morrow; while, on the other hand, excessive heat prematurely generated, will be sure to pass off before the expiration of the longer period.

Mr. President, let us survey our ground carefully and completely. Political action, like all other human action, is regulated by laws higher than the caprice or policy of princes, kings, and States. There is a time for colonization, and there is a time for independence. The colonization of the American hemisphere by European Powers was the work of the sixteenth and seventeenth centuries; the breaking up of colonial dependence, and the rise of independent American States, is the work of the eighteenth and nineteenth centuries. It is a work that does not go on as broadly and as rapidly as we could wish, but it does not go backwards. It goes faster than was to have been expected, under the circumstances, for it began when the United States alone, of all the colonies, Spanish, French, and English, had attained adequate strength, and sufficient preparation for successful self-government. European States cannot establish new colonies here, for the same reason that they cannot long retain their old ones. As for France, she surrendered all her continental American empire to Great Britain in 1763, except Louisiana and Cayenne. Napoleon sold Louisiana to us in 1803, because even *he* could not keep it for France. She keeps Cayenne only because it is not worth the cost of conquest. What does she want of more American colonies to be severed from her as soon as matured?

Great Britain, too, lost in the American Revolution all her American possessions but a remnant. She keeps that remnant from pride, not interest, as Spain does Cuba. What does she want of more American colonies, to draw upon the home treasury for defense and support, and to become independent as soon as they shall become strong? Canada is only a nominal colony or dependency. Great Britain yet retains Canada only by yielding to her what she denied to us,—fiscal independence.

And now, what does France or Great Britain want of Cuba? It is a slave colony. They have abolished slavery in all their possessions. Should either of them obtain that island, the first act of Government there must be the abolition of slavery. The abolition of slavery, too, must be made with compensation, and the compensation must be drawn from the home treasury. Will either of them take Cuba at such a cost? And what would Cuba, without slavery, be worth to either of those Powers? Let their experience in the West Indies answer. Cuba, without slavery, can belong to no European State but Spain. Cuba, without slavery, would be worthless to any Power but the United States: and John Quincy Adams was right; Cuba, either with or without slavery, gravitates towards, and will ultimately fall into, the American Union.

What then! Has France ceased to be ambitious, and has Great Britain adopted the policy that Augustus Cæsar bequeathed to Rome, to forbear from extending the bounds of empire? Not at all. France and England are unchanged. I do not know that as yet they have learned that their power cannot be renewed or restored in America. But I do know that they will find it out when they try to renew and restore it again; and therefore all the alarms raised by the Senator from Michigan pass by me like the idle winds. The Monroe doctrine was a right one—the policy was a right one, not because it would require to be enforced by arms, but because it was well-timed. It was the result of a sagacious discovery of the tendency of the age. It will prevail if you affirm it. It will equally prevail if you neglect to affirm it hereafter as you have refused to do heretofore. As a practical question, therefore, it has ceased to be. It is obsolete. You are already the great Continental Power of America. But does that content you? I trust it does not. You want the commerce of the world, which is the empire of the world. This is to be looked for not on the American lakes, nor on the Atlantic coast, nor on the Caribbean sea, nor on the Mediterranean, nor on the Baltic, nor on the Atlantic ocean, but on the Pacific ocean, and its islands and continents. Be not over-confident. Disregard not France, and England, and Russia. Watch them with jealousy, and baffle their designs against you. But look for those great rivals where they are to be found—on those continents and seas in the East where the prize which you are contending with them for is to be found. Open up a highway through your country from New York to San Francisco. Put your domain under cultivation, and your ten thousand wheels of manufacture in motion. Multiply your ships, and send them forth to the East. The nation that draws most materials and provisions from the earth, and fabricates the most, and sells the most of productions and fabrics to foreign nations, must be, and will be, the great Power of the earth.

Mr. CASS. I have a right to say a word or two, Mr. President, in reply to the Senator from New York; and the first remark that I have to make is, that I cannot characterize his speech in the proper manner, so long as I entertain a respect for myself and for the Senate. But I will say this, that of all the speeches I have ever heard from that honorable Senator—and that is saying a good deal—this was the most disingenuous, and marked with the most self-complacency, that I have ever heard in the American Senate. Sir, I am not going to follow the honorable Senator through the whole of his remarks. I have risen simply to read the passage which he would not read—and which an honest and just man would have read in his speech—because he did not want it to go out with his own remarks.

Mr. MANGUM. I feel constrained to call the honorable Senator to order.

Mr. CASS. Mr. President, I do not mean to say a word out of order, but the honorable Senator will recollect what the Senator from New York said. One expression which he used was, that he "absolutely compassionated" me for my "la-

boring" in my "speech;" and there is no mistake about that sentiment running through the whole of the speech of the Senator from New York. I wonder that the honorable Senator from North Carolina was not prompt enough to stop some of its expressions. As he has not, I think I have a right to say a word or two in reply. I have done nothing yet but to characterize the speech.

Allow me to say a few words about the Senator's allusion to what I said about Mr. Adams. As I said, he did not quote those remarks, and his speech going out printed to the world would lead the world to suppose that I had indulged in remarks about Mr. Adams without the least propriety. Sir, the Senator's commentary should have been accompanied by my remarks, so that they might have gone out in the same paper, and been compared together. But I will read those remarks; and I do not believe there is another man in the Senate that will say they were not justified under the circumstances. Before I do that, however, I desire to make an observation with respect to the wording of the resolutions.

Some remarks were bandied backwards and forwards between the honorable Senators from New York and New Hampshire, about the expression used in the resolutions. All I have to say now in regard to that, is what I said in the beginning—they are in the words of Mr. Polk and Mr. Monroe; so that I consider myself only an auditor, so far as respects that—not of Mr. Adams, but of Mr. Monroe and Mr. Polk. With respect to Canada, I have nothing to say, except that the honorable Senator from New Hampshire knows as well as I do that there is no kind of parity in the condition of Canada and Cuba. I am not going to argue that, because he knows it as well as I do. He knows that the reasons applicable to this resolution in regard to Cuba are not applicable to Canada. He knows that if Canada falls out of the possession of England, it could not go into the hands of a stronger Power. He knows that there is no great route of our commerce which Canada commands, as does Cuba. But I am not going to argue that with him; for he will not say that he does not know it as well as I do.

But I wish to make a remark upon one other point. The honorable Senator from New York has arraigned me for introducing this resolution—and I am amazed at the expression, but these are the very words—"without the sanction of the President of the United States." Well, sir, I have very little to say on that subject. It requires no answer. I have introduced a solemn resolution into this Senate, as a member of the body, without the sanction of the President of the United States, and I have even ventured to do it without the sanction of a committee. But the honorable Senator asserted what he had no right to assert—no gentleman has a right to assert a fact unless he knows it to be so—that I introduced it without the knowledge of any other member of the Senate. He was mistaken in that; and I repeat again, no man has a right to assert a fact as such, unless he knows it to be so. Yes, sir, I have introduced it without the sanction of the President of the United States; and if my constituents find fault with me for that, they will recall me, and I will reply to them there.

But the honorable Senator said that this is no proper time to introduce this resolution. Why, sir, as soon as I understood what was going on in Honduras and the Bay of Islands, the resolution was introduced. It was introduced to meet the case. And did I suppose—had I any right to suppose—that the Senate would procrastinate in such an emergency? Suppose it had been put off until another session? Why, then the question would have been put, as it was raised by the Senator from New Hampshire this session, Why did you not introduce it before? That would have been the result. I had no right to believe that the American Senate would procrastinate such a measure unnecessarily. There is no reason why it should not act upon it in a week as well as in a month; but whether it act upon it in a week, or in a month, or in a year, is no good reason why I should postpone it. If I deemed its introduction necessary to the welfare of the country, I was not obliged to wait any longer.

The honorable Senator from New York—and it is a specimen of what I said was the nature of his remarks—alluded to the subject of the Maine controversy, and said that I gave that as one of the reasons for introducing this resolution. There is nothing like it, sir. There is no such thing in my speech, from beginning to end—not one word. What I said about the Maine controversy was this: I was recapitulating the conditions under which we were heretofore placed. The case of Maine was one, among others, which I mentioned, where, I said, we yielded to improper pressure from a foreign Power; and I believe, as the strength of the country increases, and the sentiment of the country supports its own dignity, we will not submit to it any more. That was one of the facts which I recapitulated, and it had nothing to do with the principle before us. It was a mere reference to our history, and was not given as a reason for instigating this movement.

But the honorable Senator has talked a great deal about Lord George Bentinck, and his being only a lord by courtesy, and all that. I have nothing to say about that. I have nothing to say about his title. He has talked a great deal about Lord George Bentinck and Captain somebody. I shall not go into that. But, sir, this Lord George Bentinck was not only a lord and a member of Parliament, as the honorable Senator and myself are members of the Senate, but he was the acknowledged Tory leader in the House of Commons—a most important personage in English political history. He stood up, not as a mere member of the House of Commons, but as the head of the Tory party, and that fact gave weight to his opinions; and when such a man as that—a man who, from day to day, might have been Prime Minister of England, from his political position, makes such a statement, I think we have a right to notice it. But the honorable Senator has said that he is now dead, and that he cannot "distrain" upon Cuba. I did not allude to his remarks so much as the opinions of the individual; but I alluded to the principle avowed, as belonging to men holding the same political views. That is the reason why I alluded to it; and whether Lord George Bentinck be now living or dead, it is the same thing to me.

The sentiment to which I alluded was that of a high political Tory in England, who might, from day to day, have been at the head of the British Ministry, and his declarations are good for all time. But the time when he made that declaration has passed away! It has been four or five years since it was made! Sir, four or five years is a short time in English policy. That policy does not vary so rapidly as that. What England was then she is now. And when a man in Lord George Bentinck's position, stands up in the House of Commons, and avows that he wants to have Cuba for debts due to English subjects, I ask if it should not engage some attention? It is true, sir, the remarks were taken from a newspaper; but I do not disregard newspaper reports, as the honorable Senator affects to do. I think they are important; important indications of public opinion; important indications and precursors of the movements of a Government. I should say that the indications in The Times are very important. No man can doubt that. Therefore they are to be regarded, not as absolute facts, but as strong indications of what is the leading sentiment of the country.

Well, sir, the honorable Senator has said, that the time for colonization is passed. I will say but one word about that. We have had two colonizations this year, and how many more we are going to have I know not. That is the best commentary upon the Senator's remarks.

But I rose principally to make some remarks in reply to the allusions of the honorable Senator to my observations about Mr. Adams. It is now three years since those observations were made; and they are now resuscitated by the honorable Senator from New York—as Mr. Adams's remarks were brought, so to speak, out of the grave by a near relative. What were the facts in regard to my remarks on Mr. Adams? During the pendency of the discussions arising out of the annexation of portions of the Mexican dominions,—in fact, during the discussion on the Wilmot proviso,—an extract from the Diary of Mr. Adams, bearing upon the principle involved in that proviso, was published by his son, to show that Mr. Adams's opinion was that such a law should pass Congress. The extract was taken from his Diary, written when he was Secretary of State, and published with the purpose of influencing Congress to perform an act which I believed then, as I believe now, would have been utterly ruinous and destructive to this Confederation. Had I no right, then, to comment, in the proper spirit, upon it?

Mr. Adams, when Secretary of State, wrote the extract to which I allude. And do you, Mr. President, believe, does the honorable Senator from New York believe, is there a man in this Senate who believes, that at that time, when he was among those who looked to the Presidency, which he ultimately attained, he would have made these sentiments known to the American people? And yet he would put them in his Diary, that they should die with him; and no relative, it seems to me, looking to the real condition, should have brought them out. Under these circumstances, what did I say? I will read to the Senate what I said:

"These are the views bequeathed to us by an eminent citizen (Mr. Adams) who, after filling the office of President of the United States, was taken away in the midst of his labors, as the ancient warriors fell, with their harness upon them. It has been long known that he kept a diary of passing events, and a portion of this record of daily occurrences has been recently taken from the depository, where it had better been shielded by time and dust, and exposed to the light of day by a member of his family. How often has the memory of distinguished men been injured by the zeal of indiscreet friends, who, instead of going backward with a garment to cover them, reveal their infirmities to the curiosity of the world! This revelation will add nothing to the claims—and they are many—which the deceased statesman had to the consideration of his countrymen, founded upon his services, his talents, his acquirements, and his unimpeached probity."

I never felt disposed to do injustice to Mr. Adams.

"Strong prejudices, not to say bitter ones, and a temperament often ill-regulated and always excitable, too frequently interfered, especially when men and measures were closely connected, with that calm investigation so essential to the exercise of a correct judgment."

Mr. President, is there a man here who knew Mr. Adams, who does not know that fact?

"This cotemporaneous record of his feelings and opinions exhibits these traits of character in bold relief, and is, indeed, a melancholy proof that a vigorous intellect may be overshadowed by strange aberrations, and rendered useless and sometimes dangerous by wayward views, originating in passing impressions, and maintained with characteristic tenacity, and with little respect for the opinions of others.

"In this diary, the compromise by which the Constitution was established, and without which it could never have been established, is denounced as 'the bargain between freedom and slavery;' and it is pronounced morally and politically vicious;"——

He pronounced the Constitution of the United States "morally and politically vicious."

——"with various harsh epithets and illogical deductions, little creditable to the judgment of the writer at any time, and least of all at that time, considering the position in the Government he then occupied, and the acknowledged claims he had to still higher distinction.

"This condemnation of the Constitution as *morally vicious*, is left upon record by a statesman who sought and enjoyed the confidence of his country in many stations of high honor and responsibility—in more, indeed, perhaps, than any other man of the past generation; whose services commenced about the commencement of the present Government, and continued almost without intermission, until his career was terminated by death. At the very time he thus embodied this opinion of the Constitution, he was the second officer of the Executive Department of the Government, and became, ere long, the first; and in each of these capacities, as in many a preceding one, he voluntarily assumed, under the most solemn sanction, the obligation to support this Constitution, thus stamped with the charge of *moral and political vice*. I take no pleasure in the expression of these views. But the document has been given to the country, and, regret it as we may and must, it has already passed into history; and, like all the other materials of which history is composed, cannot escape the scrutiny, nor will it escape the censure of an age like this. Nor should it. Its tone of moral sentiment is bad. The doctrine and the example are bad. That the Constitution is a vicious instrument is an opinion, it seems to me, that no right minded American can hold. That its honors and emoluments may be sought and enjoyed, and its obligations assumed by him who considers it liable to this grave censure, is certainly not reconcilable with any elevated standard of morality; nor is the opinion or the example by which position is held under such circumstances calculated to produce a salutary impression upon the American youth."

Those were my sentiments then, and they are now.

"I am sorry to say there are other portions of this resuscitated paper equally obnoxious to the censure of patriotism and of good taste. How different are its tone and temper from that legacy of true wisdom and patriotism, the Farewell Address—a monument of high moral and political feeling, and of affectionate interest, as well as of practical wisdom,

such as no other citizen ever bequeathed to his countrymen.

"The one appeals to the better feelings of our nature—to the common 'name of American'—and bids us hold on 'to the unity of Government, which constitutes us one people,' by all the motives that belong to the past and the present, to common exertions crowned with success, and to common hopes as bright as, in the providence of God, were ever offered to any people. It warns us also of the mischief of sectional prejudices, and of the danger of sectional questions which 'tend to render alien to each other those who ought to be bound together by fraternal affection.' And that voice, which now comes to us from the tomb, should speak in trumpet tones to every American ear, and strike a responsive chord in every American heart, when it calls upon us to 'FROWN INDIGNANTLY UPON THE FIRST DAWNING OF 'EVERY ATTEMPT TO ALIENATE ONE PORTION OF OUR 'COUNTRY FROM THE REST, OR TO WEAKEN THE SACRED 'TIES WHICH NOW BIND TOGETHER THE VARIOUS PARTS.'

"The other——but I will not speak of it as I might well do. Better that it had been entombed, like the ancient Egyptian records, till its language was lost, than have been thus exposed to the light of day. I will place in contact, and that will place in contrast, a few passages from the Farewell Address, and from the Diary of Mr. Adams, and close this ungrateful topic with a few remarks."

I did place in the same column opposite to each other, the remarks of General Washington in his Farewell Address, and those of Mr. Adams. I will not read the remarks of General Washington; there is no need of it; every American has them in his heart; he knows what they are. The remarks of Mr. Adams I will read, and I will then appeal to every man who hears me, be he Senator or be he auditor, if any language of condemnation can be pronounced too strong upon the revelation of such language, written secretly by the second officer in this Government, aiming at the first post, which he afterwards attained? What did Mr. Adams say? He said this:

"The progress of this discussion——"

The discussion upon the Missouri compromise question was what he referred to—

"The progress of this discussion has so totally merged in passion all the reasoning faculties of these slaveholders, that these gentlemen, in the simplicity of their hearts, had come to a conclusion in direct opposition to their premises, without being aware or conscious of inconsistency. They insisted upon it, that the clause in the Constitution which gives Congress the power 'to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States,' had reference to it only as land, and conferred no authority to make rules binding upon its inhabitants," &c., &c.

That, you will recollect, is precisely the decision of the Supreme Court of the United States, Mr. Adams to the contrary notwithstanding. That court has decided that it relates to land alone.

"It is, in truth, an all-perverted sentiment, mistaking labor for slavery, and dominion for freedom. The discussion of this Missouri question has betrayed the secret of their souls. In the abstract, they admit that slavery is an evil. They disclaim all participation in the introduction of it, and cast it all upon the shoulders of our old grandam Britain. But, when probed to the quick upon it, they show at the bottom of their souls pride and vainglory in their very condition of masterdom."

"The impression produced upon my mind by the progress of this discussion is, *that the bargain between freedom and slavery, contained in the Constitution of the United States, is morally and politically vicious, inconsistent with the principles upon which alone our Revolution can be justified, cruel and oppressive, by riveting the chains of slavery, by pledging the faith of freedom to maintain and to perpetuate the tyranny of the master; and grossly unequal and impolitic, by admitting that slaves are at once enemies to be kept in subjection, property to be secured or restored to their owners, and persons not to be represented themselves, but for whom their masters are privileged with nearly a double share of representation. The consequence has been, that this slave representation has governed the Union.* Benjamin, portioned above his brethren, has ravened as a wolf; in the morning he has devoured the prey, and at night he has divided the spoil.

"It would be no difficult matter to prove, by reviewing the history of the Union under this Constitution, that almost everything which has contributed to the honor and welfare of the nation has been accomplished in spite of them, or forced upon them, and that everything unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to them."

What a sentiment is that to be uttered by an American Secretary of State, and one who was ultimately a President of the United States! What a sentiment is that to be dug out of the tomb by one of his sons at this day, and now brought forward by the honorable gentleman as a reproach to me, because I commented upon it. I will read but one paragraph more from my own speech, and then I have done:

"He is unworthy the name of American who does not feel at his heart's core the difference between the lofty patriotism and noble sentiments of one of these documents ——; but I will not say what the occasion would justify. I will only say, and that is enough, the *other*—for it is *another*.

"'*Benjamin, portioned above his brethren, has ravened as a wolf; in the morning he has devoured the prey, and at night he has divided the spoil.*' So much for Scripture and patriotism. When translated into plain English, this means that the South has fattened upon the North, as the wolf is gorged with his prey! Lest the apologue should not be sufficiently clear, we are told that almost *everything which has contributed to the honor and the welfare of the nation, has been accomplished by the North, in despite of the South; and that everything unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to the South.*

"And this judgment is pronounced upon the land of Patrick Henry, and Jefferson, and Laurens, and Rutledge, and Sumter, and Marion, and Madison, and Marshall, and Monroe, and Jackson, and—above all and beyond all—Washington; and upon the land of a host of other statesmen and warriors, as true and tried as in field or Cabinet ever maintained the honor of their country in times as perilous as any country ever encountered and survived.

"And yet almost all of good that has been gained by our country, has been gained by the North, in despite of the South; while the South has brought upon us all our misfortunes, and upon their *adversaries* all their blunders and follies!!! I suppose this word '*adversaries*,' in the vocabulary of Mr. Adams, means the other portion of the Union.

"Now, sir, I am not going to mete out to the various regions of this broad land the share of each in the wonderful career in all the elements of power and prosperity into which we have entered, and have, indeed, far advanced. The glory belongs equally to all, and all have equally contributed to obtain it. And still less will I undertake seriously to refute a proposition which, if the refutation is not in the heart of an American, he is faithless to the common deeds of the past, and to the common hopes of the future.

"I am no panegyrist of the South. It needs none. I am a northern man by birth, a western man by the habits and associations of half a century; but I am an American, above all. I love the land of my forefathers; I revere the memory of the Pilgrims for all they did and suffered in the great cause of human rights, political and religious; and I am proud of that monument which time and labor have built up to their memory—the institutions of New England—a memorial of departed worth as noble and enduring as the world has ever witnessed—glorious and indestructible. But while I feel thus, I should despise myself if any narrow prejudices or intemperate passions should blind my eyes to the intelligence and patriotism of other sections of our united country: to their glorious deeds, to their lofty sentiments, to their high names, and to those sacred aspirations, common to them and to us, for the perpetuity and prosperity of this great confederation, which belong to the past, to the present, and to the future; and whose feelings and opinions are brought here and reflected here by a representation in this Hall and in the other, which now occupies, and has always occupied, as high a position as that held by any other portion of the Union—a representation which does honor to our country in all that gives worth to man, and dignity to human nature."

Mr. President, I have nothing more to say. All I desire is, that the substance of these remarks may go forth with the commentary which has been made upon them. What does the Senator say? After going on and saying that I had done so and so with respect to the remarks of Mr. Adams, how does he exonerate Mr. Adams from those charges, or in what manner does he accuse me of inconsistency? He says, that in 1825, Mr. Adams, in some remarks about the Panama mission, was in favor of a good deal of the doctrine that I approve. What if he was? I have not taken a word from Mr. Adams—not one syllable. I have taken from Mr. Monroe and Mr. Polk. The Panama doctrine in full I do not approve of; but I approve of the doctrine of Mr. Monroe and Mr. Polk. What, then, does the Senator's defense of Mr. Adams amount to? His sentiments remain; for the press is more imperishable than the marble of Egypt, more indestructible than brass or marble. But the gentleman has resuscitated the remarks of Mr. Adams, with a view to cast obloquy on me. Very well; if what I have read casts obloquy upon me, I am willing to bear it.

Mr. SEWARD. I shall take only three points upon which to speak in reply to the Senator from Michigan. The first is, that I may be wrong about Lord George Bentinck, but I think not. That is an important point in this case, and therefore I wish to be right in regard to it. My understanding is, that Lord George Bentinck was a son of the Duke of Portland, and I believe he was the second son and not the oldest son; but at the worst, the oldest son and heir. In that case, when the Duke of Portland should have died, he would have been a lord, and entitled to a seat in the House of Lords; but at the time he made the savage sayings to which I have referred, he was only a member of the House of Commons, and was called a lord by courtesy, as the heirs of barons are usually called.

I am glad to learn that the Senator thinks Lord George Bentinck was so distinguished a man in Parliament. It was known to me that he was distinguished upon the turf, but not that he was eminent upon the floor of Parliament. He was said by his contemporaries to be the most *stable* man in England, because he kept the largest stud of horses. But the honorable Senator has mooted an important point in this case. Most of the opinions which he attributed to Lord George Bentinck, were by Lord George Bentinck himself acknowledged to have been derived from Captain Pilkington, who was a man so obscure that we have no account of him whatever from the honorable Senator.

I have a word more to say upon the merits of the case. The honorable Senator says there have been two European colonizations in this year, or within the last two or three years; one of them the Bay of Islands, and the other British Honduras. Now I do not know that; and I referred, the other day, to a speech of his own, made in 1848, in which he showed that three thousand troops had been marched out of the Balize by order of the colonial authorities there. The Balize is British Honduras. It is just as much a recolonization as it was a reëstablishment of independence in the State of New York, when, about seven years ago, the people of that State exchanged their old constitution, which they did not like, for one which they liked a little better. As to the Bay of Islands, the British Government said, and say, that the Bay of Islands was a *dependency* of the *Balize* and a part of that colony, and that now they have, for the sake of convenience, made two colonies instead of one. If these make two colonizations with which Great Britain is to be charged, she must also be credited with one less colony on this continent, because within some half-dozen years she has merged Upper and Lower Canada, which were two distinct colonies, into one.

In regard to the honorable Senator's vindication of himself for his censures of Mr. Adams within some eighteen or twenty months after his death, I have only to say this: If we allow the facts stated by the honorable Senator here to be true, if the Diary is authentic, if it was published by a relative of Mr. Adams—for which we have the honorable Senators assertion, and which I am not disposed to dispute—then it appears that Mr. Adams, instead of publishing to the world any such sentiments—and whether they be right or wrong, I am not now to speak—secreted them, and they lay for *thirty years* in the dust. Within this short period after his death, the honorable Senator brings extracts, which he censures so severely, from oblivion, or from the newspapers, into which an indiscreet friend, according to his own account, had placed them, and spreads them upon the records, the imperishable records, of the American Senate.

Mr. CASS. No, no.

Mr. SEWARD. They were spread upon the record by the honorable Senator here in debate.

Mr. CASS. If the honorable Senator will look at the facts, he will find I took them from the publications of the day.

Mr. SEWARD. I say so, certainly. He took them from the publications of the day, and transferred them here, and placed them in John C. Rives's record of the debates of the Senate of the United States, where they are to stand imperishable forever. He vindicates himself, by bringing the same record, and giving it a new and distinct page, place, and repetition here to-day. That is his defense.

Sir, as to the sentiments of John Quincy Adams on the subject of slavery, they were controverted, and the sentiments of the honorable Senator on the subject of slavery are controverted. There is a great issue of truth between them. We who are here are temporarily umpires between them, but we render no final judgment. The day is coming when we shall all be mingled with the dust with him. Then none of us will hold as honored a place in the estimation of mankind as John Quincy Adams. And when the honorable Senator from Michigan, and all around me, shall have been gathered to the tomb, I pray, not that he may not have friends and relatives so indiscreet as those of John Quincy Adams are represented to be; but, that if he shall have such indiscreet friends, the Senate will never be found to contain a statesman so unjust as to drag sentiments he may deem unworthy from secrecy, or from ephemeral life, and give them publicity and permanency in the history of the Senate and of the country.

Mr. MALLORY. Mr. President, I desire to occupy the attention of the Senate upon the subject, but I presume it will interfere with other objects which the Senate may have in view; and, therefore, I move to postpone the further consideration of the subject until to-morrow.

Mr. SEWARD. I hope the honorable Senator will be allowed to proceed and close the speech which he commenced on Monday.

Mr. MALLORY. I move to postpone the further consideration of the resolution until to-morrow at one o'clock, in order that I may have an opportunity to close the remarks which I commenced the other day, and which may as well be closed upon this resolution as upon the bill then under consideration.

Mr. SHIELDS. Will the Senator permit me to make a proposition to postpone this subject till next week?

Mr. MALLORY. The honorable Senator will see the propriety of my motion. I commenced my remarks the day before yesterday, and I gave way then for the purpose of having an Executive session. My desire is simply to close those remarks, and I shall not occupy the attention of the Senate half an hour in doing so.

Mr. SHIELDS. Perhaps the honorable Senator does not understand me. His remarks were upon another subject. We must dispose of the one now before the Senate before we can take up another.

Mr. MALLORY. I ask that it may be postponed until to-morrow at one o'clock.

Mr. SHIELDS. I was about to ask the honorable Senator to allow me to move to postpone this resolution until some convenient day next week.

Mr. GWIN. I feel that I shall be compelled to make a motion to lay this resolution on the table. It is utterly impossible for us to transact the ordinary business of legislation unless we get it out of the way, and therefore I hope the Senator from Florida will go on to-day. I do not want to interrupt him, but I really wish to get at some practical legislation.

Mr. MALLORY. Then, if the Senate will indulge me, I will withdraw my motion, and proceed now.

Several SENATORS. Very well.

Mr. GWIN. And let us have the vote on the resolution, as soon as you shall have got through.

Mr. HALE. Is this question disposed of?

The PRESIDENT. It is not. The Senator from Florida is entitled to the floor upon it.

Mr. SHIELDS. Is there any motion before the Senate?

The PRESIDENT. The Senator from Florida has the floor.

Mr. SHIELDS. I wish to move to postpone this resolutions until some day next week.

The PRESIDENT. That motion is not in order without the consent of the honorable Senator from Florida, who has the floor.

Mr. SHIELDS. That will not interfere with the honorable Senator. It is to accomplish the object he has in view. Let us postpone this subject until next week, and allow him to make his speech on his bill to-morrow. I would prefer that course, unless he intends to make a speech on this resolution.

Mr. GWIN. Let us finish the resolution to-day.

Mr. SHIELDS. I would suggest that we had better postpone it until next week.

Several SENATORS. No, no.

Mr. MALLORY: I desire to close the remarks which I commenced the day before yesterday, as I have said they may as well be made on this resolution as on the bill which was then under consideration. When I brought those remarks to a close, I had adverted to so much of the subject as related to the commercial restrictions upon our trade with Cuba, and I had arrived at that branch of it which had exclusive reference to the political consequences which must, in my judgment, inevitably flow from the removal of the restrictions on our trade. And permit me to say here, sir, that I regard this subject as claiming the consideration of every patriot heart, and as far removed from party trammels and sectional or political bias.

In my judgment, we have arrived at a period when our policy, with reference to the Island of Cuba, should be deliberately adopted and determinedly maintained; when it should no longer be committed to partisan hands, to be used as a card by every aspirant for political power; but that the Powers of Europe should be made to understand that whatever party may rule the political destinies of this country, our Cuban policy is unchangeable. A glance at the map of the Mexican Gulf will exhibit the remarkable position of this island, not only with reference to the fertile Mexican States which border it—not only with reference to the commerce of Texas, Louisiana, Alabama, and Florida—but with reference to that vast and growing empire of the West, whose wealth seeks its outlet to a market through the Mississippi and its tributaries. This Gulf, in shape a demijohn upon its side, has for all practicable purposes of its commerce, like the Mediterranean, but one outlet; for although voyages may be made through the Yucatan pass, out into the Caribbean sea, and thence through the Mona pass to the Windward Islands, such voyages are at all times tedious, and are rarely attempted; and voyages out from the Gulf on the south side of Cuba are tedious, if not impracticable, from the opposing winds and currents, from January to April; and this is the season when the cotton crop and the agricultural wealth of the great West is upon the sea, threading its devious way to a market through the narrow pass between Cuba and the Florida shores.

If our statistics are reliable, this commerce and navigation already reaches $300,000,000; and this aggregate is yet to be increased by our China trade; for we may fairly assume, that within twenty years every chest of tea and bale of silks, and every other article of our China trade, in the marketable value of which time is an important element, will come over the Isthmus of Tehuantepec and through the Florida Straits. The United States with their tobacco and cotton, and China with her silks and teas, are destined to carry on a trade far exceeding our present commerce with all the East. Tobacco is already growing into general use in China, and is destined to supplant the use of opium. Our raw cotton now goes three thousand miles across the sea, there to give employment to British industry, and thence to seek a market in Asia. Twenty years of commercial intercourse with China by ocean steamers, and a transit across the Isthmus of Tehuantepec must inevitably transfer to us this branch of trade, and it is one of great and growing value to us. The hills of Cuba overhang this vast and increasing wealth, and its people look down upon it as from sentry-boxes.

The strait is but sixty miles wide, (available navigation,) and six steamers may bridge it across, and speak each other every fifteen minutes. The mouth of the Mississippi is not at the Balize, but here; and the north shores of Cuba is its right bank, as the Florida Keys form its left.

If these statements are correct, and I challenge their refutation, with what propriety can a parallel be attempted between the relative value of Cuba and Canada to us, nationally? This view of the subject derives peculiar significance, not only from the position recently assumed by France and England towards Cuba, but from the geographical positions already occupied by the latter upon this continent. With that keen political forecast which has ever distinguished her statesmen, she occupies from the Oronoca to Yucatan, and thence to the Bahamas, almost every salient or important point where a gun can be planted or a standard reared; and at the lone and distant Bermudas she has an active naval rendezvous. From these commanding watch-towers, she looks out upon our passing wealth; and should she ever acquire a naval position on the north shore of Cuba, in the present defenceless condition of the Florida Straits, and our pitiful naval force, the outlet of the Mississippi, with all the commerce and navigation of the Gulf, would be as effectually sealed as if a convulsion of nature had reared up a mountain barrier before it.

By the resolutions now before the Senate, and by these discussions, the country has been awakened to the conviction that the public mind is dwelling upon the probability or necessity of acquiring the Island of Cuba; and this has been brought about by the private judgments of distinguished individuals, by the spirit of the public press, and by speeches on the floors of Congress. For one, coming from the State that I do, feeling a deep interest in this question, having taken a deep interest in it for years past, I do not wish to hear or see the acquisition of the Island of Cuba discussed in Congress. It is not necessary to discuss it to create public sentiment upon the subject. The mind of the country is made up upon it; and whenever that "overruling necessity" comes, which has been referred to in the letter of our Secretary of State, no Power on earth, no party in the country, can preclude us from acquiring ourselves the Island of Cuba.

That overruling necessity will certainly have come, whenever we shall be at war with any maritime nation of the earth—not particularly with Britain, Spain, or France, but with any naval Power. The reason is obvious: the channel through which the trade to which I have alluded must pass, will afford a temptation to a maritime nation beyond any other on the face of the earth; and if we were at war with any maritime Power to-day, the ports upon the north side of Cuba would be open to them, as they would be to us. Neutral Spain would have a perfect right to open her ports to both belligerents. And while the opening of those ports would furnish retreat, provisions, and water, and everything that a maritime enemy of ours might want, they would not be of the slightest use to us. We would then find Cuba occupying the position which Florida did on a former occasion, and we should find that that overruling necessity had then arrived; and no statesman in this country could sustain his reputation for an hour who would oppose the taking of the island.

Hence I do not wish to see the question discussed. Discussion is not essential to screw up the public mind upon that question. Any change in the condition of this country from peace brings with it, in my judgment, inevitably the Island of Cuba.

In connection with this subject, we frequently hear the suggestion thrown out of acquiring Cuba by purchase or otherwise, as if the acquisition of this colony were a mere question of dollars and cents. In my judgment, the sooner we can disabuse the public mind of this question of *purchase* the better. It is an untenable idea; a false one, that has not a position in a single fact. Cuba is *not* for sale. There has been no time since 1826 when it could have been purchased. It never *can* be purchased, so long as a stable Government is at the head of the Spanish nation, and the affairs of Europe maintain anything like their present position. In a season of anarchy, of revolution, of confusion, with some Prince of Peace, some second Godoy, at the head of the Spanish nation, a Government *de facto* might be induced to sell; but under the present condition of things, a proposition in the Spanish Cortes to sell "the ever-faithful Island of Cuba" would drive every man in the Province of Catalonia to revolution. It would drive any ministry from power, and might destroy the reigning dynasty itself.

But though we cannot purchase Cuba, it is evident to us, as it is to Europe, that Cuba is daily becoming Americanized; that the voices of our free millions are finding their echoes in her hills and valleys; that the principles of our free institutions, with that centrifugal force which they have always exercised, cannot be resisted or controlled by bayonets: nor can they be shut out by the narrow strait which divides us. And it is as evident to us as it is to Europe, that the independence of Cuba, whether under our own or a similar form of Government, is now merely a question of time. And hence the extraordinary position which has recently been assumed by the two controlling Powers of Europe on this subject; hence the extraordinary apprehension they have exhibited, the jealous watchfulness on their part, which, in my judgment, not only betokens a well-founded apprehension, but which will tend to precipitate the consummation of that against which they would guard. Why, sir, the proposition to us, the freest people upon earth, to join in an unholy war upon the dawning hopes of Cuba—a war at variance with our political origin, and every day of our political history—will meet the universal rejection of every patriot heart in this country; and thousands who have never evinced the slightest interest in the

question, will find their hearts now swelling in sympathy with every action of a people whose political vassalage is thus sought to be perpetuated. No, sir; we can, thank Heaven, take no part in such unholy purpose; and I for one, wish to record my grateful acknowledgments to the distinguished Secretary of State for his letter on the subject. It is, in my judgment, the most "manifest-destiny" document that ever emanated from the State Department; it is the handwriting upon the wall. It plainly indicates the vigorous march of Young America upon these continents; and that in the paths of justice and right, guided by the spirit of peace, she can take no step backwards.

The acquisition of Cuba, will, ere long, become to us a political necessity; and when it does, there will be no dissension among us upon the subject. This period may yet be far distant; but, one year before California was acquired, it appeared to be a half century further removed from us than Cuba. But, sir, whether she come under the proud folds of the stars and stripes or not, her proximity to freedom is perilous to her present rulers.

When we reflect on the obstacles which we have overcome; when we consider that we have seen the genius of our country passing the Mississippi, rearing up a boundless republic in the West, crossing the Rocky Mountains, treading the pathless wastes of California and Oregon, standing upon the distant shores of the Pacific, and still looking southward; when we see all these, to doubt that the same mighty and peaceful progress which has accomplished these ends will shed over this beautiful garden at our feet the blessings of free government, would be as unjust to Heaven as it is to ourselves. But it is a maxim in which there is much political wisdom, that Heaven helps those who help themselves. I do not mean that we should literally help ourselves to the Island of Cuba, but I do mean that we should not cast aside the advantages of our geographical position, our boundless wealth, and agricultural products, and manufactures, and legislate them directly into the hands of foreign competitors.

Yet this has been the result of the act of 1834, which I seek to have repealed.

While we have been expending immense sums to open the trade of Muscat, and Siam, and China, and while we have fitted out an expensive expedition to Japan, here at our doors the richest island upon the face of the earth, with a present trade of fifty-one millions, capable of sustaining a population of ten millions, an island of boundless resources, with rich mines, with scarcely any of her resources as yet developed, with only sixty miles of available navigation between her and our shores, has been neglected. We have contrived to legislate ourselves out of her market.

Repeal the discriminating laws to which I have referred, and what will be the political consequences inevitably to follow? Let me ask those who have an eye to the acquisition of Cuba, if it is not better to begin in time, and invite her to our shores; inform her people that we do not exclude them; that we do not make a distinction between them and all other nations, Christian or Heathen. Examine your ports from Maine to the Rio Grande, and you will find but rarely the Spanish flag.

The Cubans whom you see in this country are either exiles from home, or men of wealth attached to the Home Government, and, in either case, are not the best exponents of the popular feeling. You cannot see them, because you have legislated them out of the country. Now, remove the restrictions on trade with Cuba, and you will have the legitimate population, the merchants and traders of the island, the proper exponents of the wishes of that people, here among you. You will establish with them the ties of commerce, and the ties of marriage. You will educate their children; you will send them abroad as proselytes of your institutions; you will teach them the value of the ballot-box, of trial by jury, of habeas corpus; in fact, you will hold up to them an image by which they can contrast their own political condition, and then, and when you shall have done this, the annexation of Cuba will have commenced.

The honorable Senator from New York threw out an intimation that Cuba was an expense to the Spanish Government, as the colonies of England and France had formerly been to those countries. In my judgment he his mistaken. Separate and apart from the pride of Spain in the possession of this, the brightest jewel in her crown, it is to her a source of great national advantages. Its trade is her school for seamen, and it is the only means she has of building up a merchant marine. The exchange of products between Cuba and Europe and ourselves now amounts to $51,000,000 a year, and this trade we have thrown away. Cuba gets all her flour, most of her manufactures of cotton, and her oils, and a vast amount of the products of Spain, from Spain. Spain takes hers in return. The province of Catalonia alone would raise an opposition, based upon a pecuniary interest, which would defeat any attempt to sell the Island of Cuba.

I do not wish to detain the Senate. I throw out these matters as suggestions which must arise in the mind of every reflecting Senator as to what will be the inevitable political results of repealing the restrictive laws, to which I have alluded, upon our commerce with Cuba. We have assumed a position in this question which no other nation on earth has assumed. Why, we have practically said to Spain, "Although we have this boundless wealth, you shall not share in it; you shall not become purchasers of our products, unless you will permit us to carry goods into your colonies upon our own terms." All the other manufacturing interests, all the other agricultural interests of Europe have been invited to come and purchase; and the consequence is, as I showed the other day, that while we exported the year before last but $11,000 worth of American products and manufactures in Spanish bottoms, Great Britain exported $4,500,000 worth in the same time.

It is said to be to the advantage of the shipping interest of this country to keep things precisely as they are. I say it is only the apparent interest of that class of our fellow-citizens, and if this bill is opposed in Congress, the opposition will come from that small shipping interest which engrosses the carrying-trade between the United States and Cuba: a few vessels in Massachusetts, a few in New York, and a few in Charleston. It is but as a drop in the bucket, in comparison to the vast agricultural and manufacturing interests of the country, and in comparison with the political consequences to which I have alluded. But if we examine this subject properly, we shall find that even the shipping interest will be benefited by the repeal of these restrictive laws. It is well known to me, as it is to every person who has given attention to the question, that Spain is not prepared to compete in the carrying-trade with American vessels within thirty-three and one third per cent. In the first place she has not got the vessels or the seamen, and she is behind American shipping at least one hundred years; and if these acts shall be repealed, only the small vessels of Cuba will engage in the trade; they have none which can compete with our vessels of a larger class. Then, when the question comes to be discussed, as I am told it will be, on the other side, I shall be prepared to show that it is just as much to the advantage of the shipping interest of the country to these measures as it is for the agricultural interest.

Let us, then, sir, avail ourselves of eighteen years of experience in this unprofitable labor of retaliation, to retrace our steps. Let us permit their tonnage to seek our commercial marts. Depend upon it, sir, no Cuban, having lived a week in our atmosphere of freedom, will return to her with any increased admiration of martial law.

But to this I will not advert; the train of consequences is too evident. Let us remove our commercial restrictions, and leave the rapid strides of Young America to do the rest.

Mr. GWIN. I know that there are a number of Senators who wish to address the Senate on this question before the vote is taken on the resolution. I know that a number of Senators claim the right of addressing the Senate, and therefore I move to postpone the further consideration of the resolution until the 4th of March next. I will give my reasons for it. We shall then have an Executive session, and we shall then have this subject properly before us. It is intended, I believe, for senatorial action alone, and not for the legislative action of the two Houses of Congress. It is well adapted to an Executive session, and there is scarcely a member of the Senate who does not wish, before he votes, to give his views upon the question. We have only about thirty days of the session remaining in which to legislate, and yet we have passed none of the important appropriation bills. Other measures of momentous importance to the country are before the Senate for consideration, and I feel it to be my duty to move the postponement of this subject until the 4th of March next; and on that motion I shall ask for the yeas and nays.

Mr. HALE. I think it is hardly courteous in the honorable Senator from California to make such a motion.

Mr. GWIN. I have not spoken upon it.

Mr. HALE. I know the Senator has not spoken upon it, but he moves to postpone the subject until he has got rid of a considerable number of gentlemen who are interested in it. [Laughter.] I am exceedingly sorry that, after I have been so unfortunate as to introduce a practical measure, it has been taken up by those gentlemen who are so ambitious to display their oratorical powers upon it. The motion I introduced was simply an amendment looking to Canada; and I am prepared to show, notwithstanding what the honorable Senator from Florida has said, that, so far as the commerce of the country is concerned, Canada is as four to one when compared with Cuba. And when he speaks of the outlet of the valley of the Mississippi, I must say that I can show him that the produce of one half of that very valley finds its way to market over the lakes and through the New York canals. It is but a short time since I saw an account of the sale of flour in the Boston market which was raised in Virginia, and brought to market by way of the northern lakes, and down over the Vermont Central railroad to Boston. Virginia flour found its way to Boston for a market by that route; and I am told that the barrels were made of Virginia timber, and certainly the flour was manufactured there.

As this is a matter of so much importance, I hope we shall have a vote upon it. The honorable Senator from Michigan certainly did not introduce his resolution for the purpose of making a speech. I know I did not introduce my amendment for that purpose. The Senator from Michigan and myself are practical men, both of us.

Mr. CASS. Exactly.

Mr. HALE. And we want votes instead of speeches upon the propositions which we have submitted to the Senate.

Mr. CASS. We do not want any more speeches. [Laughter.]

Mr. HALE. No, sir; and I will agree to give way, although I have a great many things to say to the Senate. I see the Senator from California wants to get on the locomotive, and ride west, and I am willing to allow him to do so. I shall not delay him. I shall forego the satisfaction it would give, both to myself and the Senate, to make a speech upon the subject, for the purpose of having a vote. And the first vote, let it be remembered, will not be upon the resolutions of the Senator from Michigan, but upon the motion to refer, made by the Senator from Kentucky, [Mr. DIXON.] If it shall be agreed to, it is probable the Committee on Foreign Relations will give us a luminous report; and when their report shall be under consideration, it will be the proper time to make speeches.

Mr. BUTLER. I think so; and I am reserving myself for that.

Mr. HALE. I am told by the Senator from South Carolina, that he has been keeping himself in reserve in the same way that I have been, for the report. I think that is the time when the speeches should be made, and I hope the vote will be taken upon the reference.

Mr. SEWARD. I have a note from the honorable Senator from Alabama, [Mr. CLEMENS,] who is detained from his seat by sickness, asking me to obtain the consent of the Senate to postpone the consideration of this resolution until next Tuesday, at which time he hopes to be able to address the Senate upon it.

Mr. MANGUM. I am glad to hear from the gentleman from New Hampshire, and to hear the remarks assented to by the honorable Senator from Michigan, that they are both practical men. Now, I desire to cut out a little practical work for

these gentlemen to perform to-day—a little real work. Let them stop talking upon the subject. I think the resolution has been debated quite enough; I think the country will derive very little service from the debate; and, therefore, as a test question, at least as far as I can make it so, I move that the resolution lie upon the table. That will cut off debate, and upon that question I ask for the yeas and nays.

Mr. GWIN. That will do.

Mr. MASON. If the Senator will withdraw the motion, I will renew it if he desires.

Mr. MANGUM. Very well.

Mr. MASON. The object of this motion I presume is to arrest the debate. The debate has gone to some length. It is one that has become very interesting to the country. That is shown by the public press from every quarter. And although I have as little disposition as most gentlemen to enter into or protract a debate which appears to be of an abstract character, yet it is very certain that there is one subject at least of very great practical interest to the country, which if not immediately connected with the resolution, is worthy of engaging in public debate the attention of the Senate. It affects a ground, and a very material ground, which is covered by one portion of this resolution. I allude to the message of the President, which is now before the Committee on Foreign Relations, although, since it went there, it has been the subject of some debate in the Senate. It is in reply to a resolution of the Senate asking for information concerning a recent proclamation that appeared in the public journals, issued by the British authorities at Balize, declaring a colony established—not about to be established—but a British colony established in certain islands designated, which lie off the coast of Honduras. That becomes a question of great practical interest. Within the last few days we have received intelligence that a British colony is about to be established at the Balize. The President of the United States, it appears from his message, does not consider that there is any source of official communication open to him by which he could inform us whether or not the report in reference to the establishment of the colony of the Bay of Islands is true; but it comes in such a shape as to make it necessary that its existence for the present should be assumed by the Legislative branch, as the Executive branch is uninformed, and seeks no information.

Before the debate ends upon this resolution, I want to be heard practically in reference to this matter of colonization as connected with one branch of the resolution of the Senator from Michigan—that which affects future colonization upon or near either of the American continents. It is a matter of very great interest to the American people—one that was broached thirty years ago, and never practically brought home to them, as far as I am informed, until the present time. I should, therefore, regret that the honorable Senator from North Carolina should persevere in his motion, or that it should prevail. It is my purpose to ask the Senate to indulge me, for not more than an hour, on the general subject, when other gentlemen may have participated in the debate, if they think proper to do so.

Mr. MANGUM. I believe there are matters now before the Committee on Foreign Relations, upon which the honorable Senator from Virginia can be heard, when they shall be reported upon. My sole purpose is to open the way to some real business. When a report shall be made from the Committee on Foreign Relations upon any of these subjects, the honorable Senator from Virginia can accompany the report with a speech, and I shall hear him with great pleasure upon them; for I think my own opinions, taken on the whole upon this subject, do not differ very widely from those of the honorable Senator; but with the view that we may go to work on other matters, I renew the motion.

Mr. MASON. I would ask the Senator to withdraw his motion to lie on the table, and allow me to move that the further consideration of the subject be postponed until Monday next. I shall then ask the Senate to hear me for an hour. I make that motion.

Mr. GWIN. I did not understand the Senator from Virginia to say that the Committee on Foreign Relations intended to propose any practical legislation by Congress on this question. I did not understand him to say that any legislative question would come before Congress, connected with this debate, or the subject brought to the attention of the Senate, by this resolution; and, therefore, I have been very anxious to progress with the business which we wish to bring to a conclusion during the present session. But if the Senator intends any legislation in which both Houses of Congress are to participate, I shall not interpose any obstacle in the way of his presenting it; but if he is going to do that, it must be upon some of the appropriation bills. If he intends to press positive legislation on this subject to the Congress of the United States, instead of an abstract debate in the Senate alone, it is his duty to ask to be heard, and it is his privilege. If he intends anything like legislation, I shall not interpose any objection; but if his motive is simply for the purpose of speaking to a question about which we are to have no legislative action, with all the respect I entertain for that gentleman—and he knows I entertain as much as any other Senator does—I must insist on my motion, that this question be postponed until the 4th of March. I think that is the first question; but if the Senator intends to propose practical legislation, I shall withdraw that motion.

Mr. MASON. I said this: The message of the President in reference to the alleged establishment of a British colony on the coast of Honduras is before the Committee on Foreign Relations; but the President in that message declared himself unable to give any certain information on the subject. It presents itself in such a form as to impress me, and doubtless others, with the belief that the proclamation alleged to have been issued by the British authorities at the Balize, and which we have seen in the public journals, declaring the colony there established, is official and is true. It is more than probable, indeed it is almost certain, in the present state of that question, that the Committee on Foreign Relations will feel themselves called upon to make a report upon it; and if a report be made, it may probably be necessary to follow it by legislation. Therefore, I am here free to declare, as one of the Senators of the United States, if it be true that the Government of Great Britain has established a colony at the place designated, whether it be or be not in contravention of the Clayton-Bulwer treaty, that colony must be discontinued. I am prepared to say that at once. I do not know whether a colony has been established, but I agree that the probability is that it is so, and that before the close of the session there must be actual legislation upon the subject. All that I mean to say at present is, that I think it would be desirable for the country that this debate should not be arrested, as the Senator from California proposes. For myself, I ask only that I may be heard upon the general question involved in the resolution of the Senator from Michigan on Monday next; and if it is in order, pending the motion of the Senator from California, I ask that the question may be put on my motion to postpone the subject until that day.

Mr. UNDERWOOD. My colleague [Mr. DIXON] has put a practical question before the Senate upon this subject, for he has made a motion to refer the resolution and amendment to the Committee on Foreign Relations, with certain instructions. The gentleman from Michigan, who introduced the resolution, has informed us that he moved in the matter in consequence of the apprehension that Great Britain was violating the Clayton-Bulwer treaty, in reference to the establishment of colonies on the coast of Central America. The chairman of the Committee on Foreign Relations has informed us that the President does not know how the fact is. I think, with the chairman, that it will be important if we could ascertain what the fact is. I think, therefore, that the best course which we can pursue is to make the reference which has been proposed by my colleague, and let the whole subject go before the Committee on Foreign Relations. When the committee shall report, the chairman can accompany the report with any remarks he may be pleased to make, and the debate can be resumed. I hope this course will be pursued. I am like the gentleman from California; I feel very much disposed to begin to act upon other matters, and I am inclined to think it is time for us to take up the ordinary business of the session and dispose of it. I hope the course I have suggested will meet the approbation of the Senate. I trust the subject will be referred, and that the discussion will be postponed until the report of the committee shall come in.

Mr. SHIELDS. I made an attempt, a short time ago, to postpone the consideration of this resolution until next week, for the purpose of making a few observations upon it. I did not intend to make a speech. I am not, as the Senate very well know, accustomed to occupy their time in making speeches. I try, as well as I know how, to do a little work here, and I am rather astonished that my friend from California should endeavor to throw me completely aside, and out of the question in this matter. I have not made a speech this session, nor did I make one at the last session, and I do not mean to make one now. My only object was, so far as I knew how, to give this debate a practical application, and I intend to do that in a very few observations. I trouble the Senate very seldom with speeches, as that honorable Senator well knows.

I agree with the Senator from Virginia that it is now too late to arrest this discussion; it would be arresting it only midway. Two years ago, I brought forward, as will be recollected by the Senate, a proposition in relation to Central America. I took the initiative in that respect, and perhaps I may claim it, if there be any honor in that. I have not interfered in this debate, because I did not believe I could throw any light upon it. But I know it is a matter of great importance to my constituents, and having brought forward the proposition to which I alluded, I did intend to say a few words upon that branch of the subject, and as to the necessity of giving the debate some practical application. But I shall not force upon the Senate any observations of mine. I am as anxious to get at practical business as is the honorable Senator from California. I think, however, that the chairman of the Committee on Foreign Relations is fairly entitled to be heard upon this subject. I care nothing about the treatment I myself may receive, for I have no claim upon the Senate in this particular matter; but I think it would be treating him very badly, after this discussion has gone so far, not to permit him, as chairman of the Committee on Foreign Relations, to present his views upon it.

Mr. BUTLER. I think this is a case which calls for reference. I am unable to give any judgment on the subject, unless I have the requisite information. The honorable Senator from Virginia, the chairman of the Committee on Foreign Relations, has made inquiries, and I have no doubt those inquiries will enable him to bring forward much information upon which Senators can form a judgment. Ordinarily, subjects of this kind come before the Senate through Executive communications, and I think it much the safest mode; but as this subject has been brought up for discussion, and as we are to take jurisdiction of matters of negotiation of this kind, I want to learn one important fact, and that is, if Great Britain has committed a trespass upon the rights of anybody, upon what political community she has committed this trespass. Now, her settlement upon the Bay of Honduras, if a trespass, is one either upon Guatemala or upon Honduras, or some other Central American State. The honorable Senator from Virginia no doubt can give us a great deal of information as to the true character of these States or communities; and it may be that, in the end, I shall be compelled to vote for something that would look like a mission to Guatemala, with a view to guaranty her rights so far as our interests and policy are involved; but before I can do that, I want information. How can I give a judgment until I have information? And therefore I would suggest that the reference should at once take place, and that the honorable chairman of the Committee on Foreign Relations should give us the information in a report, even before he makes his speech; and I will promise, though I intended to speak upon the subject, if he gives full information in regard to it, such as I can understand, and upon which I can form a judgment, that I will not make a speech. I will be entirely satisfied with his explanation. If we refer the matter at once, I think we shall accomplish something; but if we carry on this debate in this

cursory manner, shooting at a barn door all the while, and having no mark, I do not know what may not be brought within its scope. The honorable Senator from Florida, in discussing another subject, I thought, made it very germane to this. It strikes me, however, that the whole question ought to be referred to the Committee on Foreign Relations, and let their report be the vehicle of information upon which we shall pronounce a responsible judgment, for we are in some measure involving ourselves in Executive business. I say, at once, then, let the subject be referred.

Mr. HOUSTON. I am not in favor of referring this subject to the committee. I am anxious to hear the honorable chairman of the Committee on Foreign Relations on the subject. Other gentlemen have spoken upon it, and I desire some information which may be important to the decision of this body. I want the privilege of speaking upon it myself. I have occupied but very little of the time of this body at this session, or at previous sessions; and though I am as anxious as any Senator to see the Pacific railroad bill progress, I imagine we shall not bring it to any satisfactory conclusion this session; and until a report is made from the special committee on the subject, I do not think that we can progress with it at all. I shall, therefore, vote against any reference until I can hear the chairman of the Committee on Foreign Relations.

Mr. GWIN. I did not wish to prevent any Senator from speaking by making the motion which I have made. The honorable Senator from Illinois knows well that I would be very much delighted to hear him; but there are many in his condition. I do not know a member of the Senate but will be compelled to say something about this question before we come to a final and decisive vote upon the resolution.

Mr. SHIELDS. Will the Senator permit me to say that I have no wish whatever to trespass upon the time of the Senate? This is a much larger and much more important subject than that Senator seems to imagine. I have the honor to represent, in this body, the Committee on Military Affairs, and I wanted to convert this into what I deemed to be a practical subject—a subject that interests him. I mean the fortification of the coast of his State, the fortification of the southern coast, and some other matters. I felt that in doing so, I should give it, perhaps, about as practical an application as it would receive in this body. Whether I shall be permitted to do so or not, I care not. I shall do my duty in my own humble way, anyhow.

Mr. GWIN. The honorable Senator must recollect that I am chairman of the Committee on Naval Affairs, and that I understand the bearing of this question probably as well as he does. The State of California would be as deeply interested in a controversy with England as any State in this Confederacy. I have no doubt that this resolution is to have an important bearing upon the future foreign intercourse of this country, and therefore we must give our reasons for our votes; and the question presents itself, if no practical question of legislation comes up in connection with these resolutions, whether we had not better let them go over for an Executive declaration. That was the very question I had in view. I know the Senator is examining this question with regard to the military defenses of the country, and he has collected a great deal of the most valuable information on the subject, and I hope the result of his examination and his labors will be put in the form of a law before this Congress adjourns. I am sure that will be done, so far as the committee is concerned, for we have had an indication of their intentions.

As to any discourtesy to the chairman of the Committee on Foreign Relations, I never thought of it. I never dreamed of it when I made the motion to postpone the resolutions until the 4th of March. I made that motion because I believed we could not come to a vote on them before the 4th of March. That is my belief. I am perfectly willing that they should go to the Committee on Foreign Relations, with the understanding that they will come back in a form in which we can discuss them with a practical end in view.

Mr. DAVIS. While these resolutions declare general principles which I approve, I do not think that they meet the question at issue at all. The real question for the consideration of the Government is one growing out of a treaty between us and Great Britain; and we need some further information before we undertake to give an interpretation to that. The great question, in my mind, is whether or not Great Britain has organized a colony in what is called the Bay of Islands? If she has done that, the next inquiry is, is that, or is it not, an infringement of the late treaty which has been made?

Mr. SHIELDS. Will the honorable Senator permit me to correct him in one point? It is not "the Bay of Islands," but the islands in the bay of Honduras which the British have erected into a colony.

Mr. DAVIS. It is quite immaterial which form of expression is used. There is a colony by some such name, as it is said, and a colony recently organized. Now, I do not know that it is entirely easy to ascertain all the facts which have a direct bearing upon this question. I am anxious that the facts in regard to it should be presented to us in a reliable form. I understand that by the treaties of 1783 and 1786, between Spain and Great Britain, the latter expressly renounced all claim to every part and portion of this country, except that conditional title which was granted to her, in what is called the Balize. If she renounced that—and the islands, as it appears to me, from examining the treaties, constitute no part of the Balize—then she renounced all right to them. Then, where do they belong? If I comprehend the facts correctly, the boundaries of Central America, of the five States constituting Central America, are coincident with the old kingdom of Guatemala, with this exception: there was a small province at the lower end, called Chiapas, that was taken off and annexed to Mexico. If, then, those boundaries are coincident, the Bay of Islands was renounced in the treaties, and belong to Central America, and probably to that portion of it called the province of Honduras.

I wish to have these facts ascertained. I wish for a reliable report from some source or other, which shall determine whether we are correct in this; and if it turns out to be true that the islands which are now claimed as a colony, were part and portion of Honduras, or of the Mosquito coast —for both were alike renounced—then I apprehend that Great Britain had no title to them whatever; that they were a portion of the country to which she renounced all sovereignty, and that they did belong to what is called Central America —that is, they were a part and portion of the ancient kingdom of Guatemala.

I am, therefore, with the honorable Senator from South Carolina, in favor of referring this subject to the committee, that they may present to us the facts which belong to it; and when they have presented them, we shall have a tangible subject to act upon. I think, as other gentlemen do, that it is a subject of a good deal of importance; for if what I suppose to be true turns out to be so, a great question arises, whether or not the treaty, in its very terms, has not been violated. That is the subject with which we have to deal. There can be no question but that, when there is a governmental difference of opinion between us and Great Britain, it is an important question. The dignity, and character, and power of each of the countries make it important. But I do not wish to make any mistake in the matter. I desire, when I move in it, to move understandingly; and if there has been a colony organized contrary to the terms of the treaty, as I am rather disposed to think there has been, I am willing, for one, to meet the question in the manner which becomes the dignity, and honor, and character of the country. It seems to me that we cannot approach this subject understandingly until we have this information. I shall, therefore, believing it to be the best course we can pursue, cheerfully vote for the commitment of this question to the Committee on Foreign Relations. If the honorable chairman of that committee desires to make his remarks before the commitment, I shall not interpose any objection, though I think it is obvious, for many reasons, that it would be better for him to reserve his remarks until the committee shall have reported. It seems to me that this will be the better course for all of us. I hope, therefore, it will be taken.

Mr. CASS. Thirty years ago Mr. Jefferson said that this question of European influence was the most momentous question that had been presented to him since the 4th of July, 1776. It is just as momentous now as it was then. But I desire to correct the idea which gentlemen seem to entertain, that this is a mere abstract principle. I consider it one of the most practical principles presented to the American Congress—practical in its application from day to day as a guide to the Executive of the opinions of the American Congress. No principle can be more practical; and none is more liable from day to day to be called into actual use. It is an entire mistake to call it an abstract question. And allow me to say, with reference to what has been said by the Senator from Massachusetts, that I cannot for my life understand the necessity of sending these resolutions to a committee. They have no reference to the colony of the Bay of Islands, or any other colony. They assert a great and important principle; and whether the British have the right to establish a colony there or not, and whether they have established one or not, is perfectly immaterial to this question. The principles which guide us are everlasting in their nature, and call for the declaration of the American Congress, which Mr. Jefferson said ought to have been done in 1823. The reference is not to establish the fact with respect to the colony of the Bay of Islands. I repeat, the resolutions do not refer to that, but they are upon a great principle, and every gentleman who is willing now to say that that shall be the principle of the American Government, is prepared to vote upon them. They need no reference. The establishment of no fact that can be investigated by the Committee on Foreign Relations can touch that great principle. It remains everlastingly the same. Establish your principle; apply it to cases as they arise; and then, before questions arise with foreign nations, ascertain the facts. What objection there can be to establishing the principle now, or what reference the resolutions have to any individual case, I cannot understand.

Mr. DAWSON. I desire to be heard upon this question at the proper time. I am a little surprised that the Senator from Michigan, who speaks so often and so interestingly upon this subject, should say that there is no necessity for having a practical question to act upon. As I understand it, the introduction of the resolutions was founded on the facts, supposed to be true, that there was such a colonization going on within the limits of Central America. Hence the propriety of their introduction. Now, the consequences growing out of their introduction are to be vastly important, and already are they assuming a very portentous aspect. Some language which I have heard uttered here to-day is well calculated to strike the minds of the American people. The chairman of the Committee on Foreign Relations—the man, above all others, to whom we look for information upon foreign affairs—has uttered words and sentiments to-day that will be noticed throughout the civilized world. He said that he believed British colonization has taken place in the Bay of Islands, and that if that be true, "it must be discontinued." Hence, if all the facts be true, action becomes necessary. What action? Congressional action; war, in the view of the peace-abiding gentleman from New Hampshire, [Mr. HALE.] Before we proceed an inch, in the language of my friend from Massachusetts, should we not be able to place ourselves upon firm ground, and move, not only understandingly, but firmly to the consequences, whatever they may be? But the chairman of the Committee on Foreign Relations proposes to postpone this subject until next Monday, when he desires to be heard upon these important questions, without the presentation of a single fact arising out of the communication from the President of the United States; and when his speech shall have been made in this instance, what becomes of the reference of the message of the President?—and where are the facts to go before the country upon which we are finally to act? Nowhere.

I maintain that these filibustering resolutions in relation to foreign relations are incompatible with the dignity of the body upon an occasion like this, and that we should never deal in abstractions, and declare what shall be, and what shall not be. When we intend to act upon facts already ascer-

tained or supposed to be ascertained, let us call upon our Committee on Foreign Relations to lay them before the body. Let us have all the facts connected with colonization in Central America, whether in Honduras, or in any other section of the country; and whenever those facts shall be presented to us, we can act. What do I know about it? What does any Senator on this floor know about it? The President tells you, in the language of the chairman of the Committee on Foreign Relations, that he has no facts which he can communicate to us. The chairman, then, must do the best he can; and if it so turns out that there are no facts to establish the position that an organization or colonization has taken place, what is the result? Why, that no organization or colonization has taken place. But if it be true that it has taken place, give us the facts, and then the Monroe doctrine will come in, and come in as it was intended to come in by the honorable Senator from Michigan, founded upon the idea that this colonization had already taken place. But that fact is not officially ascertained. Let us get the official information, and then act upon it.

Let these resolutions be laid upon the table. What are they? Abstractions; a reaffirmation of the Monroe doctrine, which, although never introduced by way of resolution before, has been firmly fixed in every American statesman's mind and determination. There is no necessity of resolving that we will do so and so, in such a state of affairs. Let us ascertain the state of affairs which exists, and then resolve, if it displeases us, that it shall not exist as it is. Let the resolutions be laid upon the table, or referred to the Committee on Foreign Relations; let the distinguished Senator at the head of that committee bring in his report, and accompany that report by the speech which he desires to deliver; and I will ask now what speech is it he desires to deliver? A speech upon colonization in the abstract—not upon existing colonization, because he says he knows not whether it be true or not that a British colony has been established in Central America, though he thinks it is true. Why should the chairman of the Committee on Foreign Relations make a speech of that kind unless it be based upon facts, and unless the facts be such as to authorize it? Should we influence the kingdom of Great Britain or any other, by saying that if they do a certain thing we will do so and so? Let us ascertain what has been done, and then, if we dislike it, ask the Government of Great Britain to disavow it; and if she will not do so, then let us decide what course we shall pursue.

Mr. MASON. I think if the exact posture of the question were understood by the Senate, there would be no difficulty in disposing of this subject. The message of the President of the United States, in connection with this alleged colonization on the coast of Honduras, is now before the Committee on Foreign Relations. There is, therefore, before them, a distinct question upon which they may, and probably will, report. The resolution of the Senator from Michigan covers certain great principles of American policy, alleged by him to have been laid down as early as the year 1823—thirty years ago. What I meant to say was this: It seems to me that the debate which has commenced, should go on in reference to these general principles of American policy, and upon them I wish to be heard. The report that may, and probably will be made upon the message of the President of the United States, in reference to a specific colony, affects the application of certain of those principles, and certain of them only. I see no necessity for the reference of the resolution of the Senator from Michigan—none in the world, so far as regards the specific question now before the committee.

Mr. DAWSON. That is the very ground upon which I go. I would say again, that I presume there is scarcely a dissenting voice in this body, with reference to the mere abstract questions which are involved in the resolution of the Senator from Michigan. But why this constant repetition and declamation upon principles in regard to which we all agree? I cannot see the necessity of it. Yet, underneath this, it is clearly to be perceived that we are going on to a particular object on the allegation that there has been a violation of these principles, by the establishment of a British colony in Central America. That is the idea. Why not, as practical men, investigate the question, ascertain the existence of the facts in the case, and then apply the principle to it? Why send out in advance these speeches to the country?—and they are read, I know, with the utmost anxiety, for people suppose there is something concealed, and that war is in our front; that the cloud is gathering. We are thereby affecting by this discussion the great commercial interests of this country. We are probably bringing ruin upon many great interests of the Union, when I know it is not the intention of gentlemen to involve the country in a war.

I repeat that the remark of my honorable friend from Virginia, that a British colony has been established in Central America, and that "it must be discontinued," is the strongest allegation which has yet been made that war is before us, or that there is danger, because a great principle has been violated. But I think the country will see that the filibustering portion of the Congress of the United States do not want to act upon the case presented; they want to commit a majority of Congress to certain principles, and then they will present a case so that the majority cannot back out, but war must follow. That is the idea; and you cannot conceal it from the public mind, for the commercial, agricultural, and manufacturing interests are too sensitive not to perceive that legislation like this would be destructive. Hence it is that I say, come boldly up to your principles; and I stand upon them myself. I would permit no foreign country to colonize this continent if we have power to prevent it. Stand upon that principle, but do not be continually speaking of it, and repeating it. It is like saying to a man, "If you say so and so about me I will flog you. I understand you have said it, and I believe it, and I have made up my mind to flog you, if you have done it." You should first ascertain the facts and then apply your principle to them.

I do not make these observations with the most distant apprehension that there is any danger of a war. I do not wish any interests of the Union to feel alarmed upon this subject. I see no occasion for believing that there is to be a war. I see no disposition in foreign countries to interfere with any great American principle. On the contrary, I believe that the industrial interests of the world, and especially of the European and American people, are now the controlling power; and that common sense, common honesty, and common justice will prevail, and keep down everything in conflict with the rights and happiness of the people. I look upon the scene which has occurred here upon this resolution, and the speeches which have gone forth, as evidence of the belligerent disposition of some gentlemen, or as an outburst of that desire for war which now and then will occur, especially in a Republic like ours.

I concur with the Senator from California—and we do not agree very often—that this subject should be put out of the way, and that practical legislation, affecting the interests of the country, should be taken up. Let us proceed to business affecting the people for whom we have to act, and if there is any violation of our principles of foreign policy, let the chairman of the Committee on Foreign Relations ascertain it, communicate it to us officially, and I will be one of the first to suspend all other business and act upon it.

On motion by Mr. HALE, the Senate adjourned.

THE TEHUANTEPEC GRANT.

SPEECH OF HON. J. M. MASON,

OF VIRGINIA,

IN THE SENATE, *February* 1, 1853,

On the Resolutions reported from the Committee on Foreign Relations, in regard to the Tehuantepec Grant.

Mr. MASON said:

Mr. PRESIDENT: What I have to say on the subject of this right of way across the Isthmus of Tehuantepec can involve but little more than dry detail; but yet, in my apprehension, and in the judgment of the Commitee on Foreign Relations, to whom this subject was referred, it is one of very great importance to the country.

During the last session, the Senate passed a resolution requesting the President of the United States to communicate to the Senate all the correspondence and documents, which had passed between the Government of the United States and the Government of Mexico, concerning this right of way across the Isthmus of Tehuantepec. The correspondence was sent in at a late day of the session, and referred to the Committee on Foreign Relations. That committee took the subject under consideration, and before the close of the session, but too late to be acted upon, made a report, accompanied by several resolutions. That report has been before the Senate, therefore, since the last session of Congress, and it will be found by those who have looked at the resolutions, that the committee considered the subject as one of no little interest and moment to the Government. I will ask permission to read them. The report concludes by recommending to the Senate the adoption of the following resolutions:

"*Resolved*, (as the judgment of the Senate,) That in the present posture of the question on the grant of a right of way through the territory of Mexico, at the Isthmus of Tehuantepec, conceded by that Republic to one of its citizens, and now the property of citizens of the United States, as the same is presented by the correspondence and documents accompanying the message of the President of the United States of the 27th July, 1852, it is not compatible with the dignity of this Government to prosecute the subject further by negotiation.

"2. Should the Government of Mexico propose a renewal of such negotiation, it should be acceded to only upon distinct propositions from Mexico, not inconsistent with the demands made by this Government in reference to said grant.

"3. That the Government of the United States stands committed to all of its citizens to protect them in their rights, abroad as well as at home, within the sphere of its jurisdiction; and should Mexico, within a reasonable time, fail to reconsider her position concerning said grant, it will then become the duty of this Government to review all existing relations with that Republic, and to adopt such measures as will preserve the honor of the country and the rights of its citizens."

The Senate will see from the character and tone of these resolutions, that the Committee on Foreign Relations have considered that this subject, by the action upon it of the two Governments, and by its intrinsic importance, has been elevated into one of very grave consideration. Mr. President, the acquisition of California, lying upon the Pacific border, and of the intervening territory, at the close of the war with Mexico, placed this Government in the embarrassing position of having some of its most important dependencies—for California was then a dependency—at the distance of some three thousand miles from the Atlantic settlements, and inaccessible unless across deserts and mountains, requiring months to pass them. It is known to the Senate, that in the instructions which were given by President Polk to the commissioner of the United States, by whom the treaty of peace was negotiated—a President who closed a very successful, and indeed brilliant administration, by the successful issue of the war with Mexico—he was directed, in view of the high and great importance of obtaining an accessible way to those Pacific possessions, to offer Mexico for the right of way a very large sum of money. The proposition was declined on the part of Mexico, because, as was alleged, that right of way was no longer within her control—that she had parted with it.

Since the acquisition of California—since it was erected into a State—and more especially since the discovery of the immense deposits of gold which have attracted the attention, not only of the people of this country, but of the entire world, the way to get access to California has filled the public mind. The enterprise of our people, with their capital, was embarked in seeking a right of way some two thousand miles distant from our coast, where the continent, or rather the isthmus that connects the two continents, was contracted to its smallest extent, across the Isthmus of Panama; and within a very short time, by the investment of a very large capital, and with some risk on the part of those who did it, a communication was opened there, in order to give us access to our possessions on the Pacific. That communication has continued since in the course of successful use.

Under the convention made between the Governments of the United States and Great Britain, another communication was intended to be opened—how far it has yet been opened I am not fully

informed—through Nicaragua, by way of the river San Juan and Lake Nicaragua. And now, by private enterprise, and private enterprise alone, that communication is successfully carried on. The Governments of Central America, weak and feeble as they all unfortunately are, have not interposed any obstacles; but, on the contrary, they have been disposed to make liberal and just concessions to our people to enable them to get at their Pacific possessions, by granting a right of way across their respective territories. It has been reserved for Mexico alone, a contiguous Republic, the Republic from whom these possessions on the Pacific were acquired, not only to refuse such right of way across her territory, but she has accompanied the refusal with a deliberate purpose to annul and repudiate as void the very grant, the existence of which she originally assigned as the obstacle to any treaty stipulation on her part conceding it to this Government.

Now, Mr. President, in looking at the map, we shall find that the continent of North America, at the point referred to, in the provinces or departments of Oaxaca and Vera Cruz, one of the Mexican States, is contracted more than at any other point, until you reach the Isthmus of Panama. We find that between the Bay of Vera Cruz, in the Gulf of Mexico, and the Gulf of Tehuantepec, on the Pacific side, the continent is contracted to an air line of distance between the two seas, shown by actual survey to be but one hundred and thirty miles. Before the war with Mexico, indeed for a long series of years, the attention of the world had been directed to effecting some practicable route across that part of the continent so as to connect the two oceans, and great and extended enterprises had been, from time to time, projected, but all of them had failed. There was no way for the commerce of this part of the continent, or that of Europe, to pass to the other side of the American continent or the Indies, except by a protracted voyage by the way of the southern cape of America or that of Africa. But recently, on account of the discoveries of gold in California, and since that country has become one of the States of this Confederation, the mind of the people of the United States has been concentrated upon the exploration and the successful execution of a route which shall be found most accessible and least expensive to bring the two oceans into communication.

In 1842, the Government of Mexico, Santa Anna being then President with supreme power, (and we have learned from our intercourse with Mexico that a President with supreme power is the only responsible Government that Mexico has yet had,) made a grant of a liberal character to a certain Mr. Garay, a citizen of Mexico, who seems to have been a man of wealth, as he was certainly one of enterprise. Garay forthwith took measures to have the way across the Isthmus to which his grant applied, surveyed, and the practicability of effecting a transit there ascertained. He employed for that purpose an enlightened Italian engineer, by the name of Moro, who made an actual survey of the country lying between the two oceans at the Isthmus of Tehuantepec. I will read a very short extract from the report made by him. It gives a very succinct but clear view of that country:

"The entire line of country was carefully surveyed and mapped, the face of the land, its productions and capabilities, were examined with untiring perseverance.

"From these surveys, it is established that the entire distance from sea to sea is one hundred and thirty-five miles in a straight line, and presents a wide plain from the mouth of the Coatzacoalcos to the port of Mesa de Tarifa, a table or elevated plain on the line of the Andes, which rises to the height of six hundred and fifty feet above the level of the sea, and at the distance of five miles again descends to a plain, which reaches the Pacific. The summit level to be overcome is only six hundred and fifty feet; thirty miles of the river Coatzacoalcos are navigable for ships of the lagest class, and fifteen miles beyond this for vessels of light draught, leaving only about one hundred and fifteen miles of railroad to be made. It would occupy too much space to enumerate all the details of these surveys, and which go to show so strongly how easily a railroad can be constructed across the Isthmus of Tehuantepec. It is sufficient to say, that the absolute practicability has been clearly ascertained."

Garay, who was a Mexican citizen, assigned his grant in the year 1848 to certain Englishmen who were then, I believe, resident in Mexico. The terms of his grant, as are fully shown, authorizing him to assign it to the citizens or subjects of any foreign Power; and those English subjects, in 1849, assigned it to a gentleman named Hargous, who was, I believe, a native of Pennsylvania; certainly a citizen of the United States. Mr. Hargous, to carry on the work, connected with him, as we learn from the documents accompanying the message of the President, certain citizens of New Orleans, who allege that they can command the necessary capital to construct a railway across the continent at this point.

Now, Mr. President, with reference to what fell from the Senator from Texas, [Mr. Rusk,] and what has fallen, on a former day, from the Senator who, with so much zeal and ability, represents in part the State of California on this floor, [Mr. Gwin,] I beg leave to say, *in limine*, that, although I cannot see any authority whatever in the Government of the United States to undertake the execution of a railway, or any other form of communication between this part of the country and the State of California, yet, be that as it may, there is no conflict, and there ought to be no conflict, between those who desire the construction of a railroad across our part of the continent and those who desire the construction of one across the Isthmus of Tehuantepec. Sir, look at what exists now. In the very infancy of our commerce and communication with these seas, by transit across the southern continent, we find that private enterprise alone has made it productive to a degree which enriches all. Already two routes are established and in successful use—one across the continent at the Isthmus of Panama, and another by the way of the river San Juan and Lake Nicaragua, in the Republic of that name; and looking to the great results that are rapidly to follow these short cuts to the Indies, none can doubt, had we a railway connection at Tehuantepec, and another from the Mississippi to the Pacific shore, there would be found ample and remunerative employment for them all—that which was most speedy would command the travel, whilst the exchanges of commerce would be conceded to its competitors.

There is no conflict, there should be no conflict between rival routes, or rival interests, to impair the action of the Government in this matter. It is because the interests of this Government, as I conceive, are more deeply involved in having a transit at Tehuantepec than anywhere else where a road has been projected, that I have felt it my duty to ask, urgently, the attention of the Senate to the posture in which the question now stands between the Government of the United States and the Government of Mexico. It is found to be not only a practicable way, but since it has come into American hands, the entire route has been resurveyed, under the superintendence of a most enlightened engineer, taken from the public service, (Major Barnard,) who was occupied some six or seven months in the work, and has made to his employers a most elaborate report in the book from which I read an extract just now. It is shown by actual survey of the route, that the highest elevation to be overcome (corresponding with the survey made by his predecessor Moro) does not exceed six hundred and fifty feet, and that the maximum of grade upon the whole route does not exceed sixty feet to the mile. The report of Major Barnard further shows that the entire length of a railway from sea to sea will be but one hundred and eighty-six miles. But the river Coatzacoalcos, on the Atlantic side, is said to be navigable for the largest class of ships, as high as the village of Minatetlan, twenty miles from its mouth; and if this be taken as the Atlantic terminus, then the railway will measure but one hundred and sixty-six miles, and the whole cost of the work, including the full equipment of the road, is brought by his estimates within eight millions of dollars.

It is true, sir, that the proposed way lies within the dominion of a foreign Power, and were a choice to be made, that objection would be conclusive of the election. Yet a highway between nations should be the subject of no exclusive jurisdiction, and it is to retain for it that character with which it has been already clothed by treaty stipulation, that I press it upon the attention of the Senate. But, sir, in the view to be taken of it now, there is really no choice. Here we have a plain practicable work, so demonstrated to be by the most competent skill, that may be finished within two or three years, and at a cost far less than has been incurred by many private companies under State charters. Against it you oppose one to be reckoned in its extent by thousands of miles, not a foot of which has been surveyed, and which may, nay, must, cost more than one hundred millions. The first will be in successful operation before you can cut a tree or plant a stone in the construction of the latter.

I do not propose that the Government shall aid this company by contributions from the Treasury, by a grant of public land, or in any other way than by protecting its own citizens against spoliation by a foreign Power. But in doing that, this Government will not only have extended proper protection to its citizens, but it will have secured to itself, what it is entitled to—a way to its possessions on the Pacific coast—the best, the most accessible, and the shortest way, in time, at least, which can be obtained.

In the report of the committee which accompanies these resolutions, the title to this grant has been minutely traced, the committee being satisfied in its judgment, that a valid, undoubted, and unquestionable title had passed from the Government of Mexico to the American citizens, who are now the holders of it, and those gentlemen who may desire to see it will find it there. I come now to show how the Government has been connected with it.

After the title was thus acquired, the Government of the United States, seeing the importance of the subject, invited Mexico to negotiate, not for the purpose of giving validity to, or protecting the title which its citizens had acquired, but for the purpose of giving protection to the right of way when it was made, recognizing the grant, then the property of citizens of the United States, and inviting Mexico to treat by convention to give the protection of the two Governments to the communication when it should be made. We know that a similar act had been done already between the Governments of the United States and England, both Governments assuming a common interest in protecting the right of way, which was projected by means of Lake Nicaragua, through the territory of Nicaragua. A convention was entered into accordingly, which is now the supreme law of the land, the purpose of which was to secure that way through Lake Nicaragua as a common highway to the whole world. Each Government entered into guarantees for its protection, and to keep it open as a common highway. The Government of the United States for like reasons, but of a more urgent character, invited Mexico to form a convention for the purpose of constituting a common highway by means of this grant conceded to Garay, and now in the hands of American citizens. Mexico acceded to it. A convention was framed, and signed at the city of Mexico, between our Minister there and the proper authorities in Mexico, with the approbation of Herrera, who was then President of that Republic, to effect these objects; in which convention the right secured by the grant was fully recognized. When the convention was signed in Mexico, it was sent here. Some alterations and modifications were suggested by the Government at Washington, and it eventually took the form of a new convention, which was sent back to Mexico. The Government of Mexico—I mean the Executive Government—approved it, and it was signed in the city of Mexico, in January, 1851.

Its object and its terms were only to give the protection of the two Governments to that way across the continent, effecting a communication between the two seas.

Now, Mr. President, we have had some experience of the character which unfortunately belongs to the authorities of Mexico, and the difficulty which that unfortunate people have encountered from the very birth of the Republic, either in constituting or maintaining a responsible Government—torn, as it seems to be, from one extremity to the other by domestic feuds or dissensions, and constantly in a state of revolution. It resulted that very soon after this convention had been signed in January, 1852, there was a change in the Government; and it would appear from the best information I can obtain in looking at the history of the occasion, that this grant of a right of way across the Isthmus of Tehuantepec was made the

stalking-horse by which one Administration was to get into power, and the other to be thrown out. The consequence was, that in an evil hour for the interests of the world, as well as for the two countries, the Congress of Mexico were induced to reject the treaty. At the time that convention was rejected, the American holders of this grant were upon the Isthmus, in the act of completing their surveys, preparatory to the work. They had been invited to go there by the Government of Mexico—orders had been issued by the central authority of Mexico to the States through which the road was to pass, not only to throw no obstructions or difficulties in the way, but to receive the engineers and their party with hospitality—to place the resources of the country at their disposal, and to give them every facility in their power to execute the work. A previous order which had been issued by the Government of Mexico was reaffirmed, requiring that when they were ready to commence the work, three hundred convicts should be put at the disposal of the company as public laborers. This party had been there from December to June, a period of some seven months—a party consisting, according to my recollection, of nearly one hundred men, in charge of Major Barnard, an officer of our own service, who had been invited to take charge of the work, and who had been allowed to go there by the Government. An immense expenditure had been incurred by the American holders of this grant, in order to effect that survey. They had not only sent this very large body of men, but they had necessarily to send a large store of materials in the form of implements, &c. They had sent provisions; they had chartered ships and steamboats to aid in it, until their expenditure, as I am informed, reached some $300,000.

Thus, while they were at work under the auspices of Mexico—at the invitation of Mexico—the Congress of that Republic, without notice of any kind whatever, passed a law repealing, substantially, the grant to Garay; and an order was immediately issued, in the month of June, 1851, requiring that the whole engineering party then on the Isthmus, should be forthwith expelled—contumeliously expelled—from the territory of Mexico. I do not look upon that as an indignity intended towards this Government. I look upon it only as evidence of the unfortunate imbecility of the country from which it emanated—an imbecility which renders them incapable of maintaining government, even from month to month. It was a sort of wretched oblation by the party that obtained power, to the prejudices of an ignorant race, by filling their minds with strange, vague, and indefinite apprehensions of what the consequences would be, if our people got a foothold anywhere within their territory. The engineering party were expelled from the Isthmus. They were required to discontinue their work at once, and to abandon the country without stretching another line. They did so; the party was disbanded, and returned home.

Protection is always due by Government to its citizens—our Army and Navy is maintained and built only for such purpose—and, in this case, it would seem more eminently due, because these heavy losses were sustained in an enterprise of great value to the country, to which our people had been invited by the despoiling Power, and to which the Government had lent its sanction, in the free use of the treaty-making power.

In the report of the committee to which I have alluded, the ground upon which the law of the Mexican Congress was passed, repealing substantially and in effect this grant to Garay, is fully set forth. It appears from the recital contained in the report, that when the grant was made in 1842, a certain time was given to the grantee within which to commence the work. Before the time expired, a further decree was issued by the Mexican Government extending the time. In 1846, when General Salas came into power as President with supreme power, (as Santa Anna and Bravo had been before him,) the time had elapsed within which the work was to be commenced. Surveys had been made, but the work had not actually commenced, and the grant might have been considered forfeited by a course of judicial proceeding; but that forfeiture was cured. General Salas, in November, 1846, issued a decree giving further time for two years to the holders of the grant to commence this work, and by that decree ingrafted upon the grant additional stipulations and additional provisions, thus constituting a consideration or equivalent for the extension granted. The decree is set out at large in the volume to which I have referred, and can be seen by any Senator.

The time for the commencement of the work thus extended in November, 1846, expired in November, 1848, before which the work was actually commenced, as is admitted on all hands, and thus the grant was saved. The single ground assumed by Mexico for thus repealing the decree of President Salas is, that he had no authority to make it.

This is a simple, and a very narrow issue, and the first remark I should note is, that if this were so, the judiciary was the proper tribunal to determine the question.

If the grant was valid, it was a contract made for valuable considerations, and was beyond the reach of legislation. The sanction of a contract so made, is the honor and faith of the nation that is party to it, and both of these are expressly pledged by the terms of the grant. But Mexico did not choose to remit the party to her courts. Violence, the law of the tyrant, was a more speedy and certain resort.

As to the authority of Salas, it is enough to say that he was, for the time, the sole depositary of power, and that power was supreme. His title was, "President *with supreme power.*" In his will was concentrated the will of the nation, as the Government *de facto*—and he was so recognized and submitted to by all Mexico, until the Government was changed.

This was not the only decree in the nature of a general law which emanated from this "supreme power" whilst President Salas held it.

Looking through the history of the times, we find the following, amongst others:

1. A decree organizing the Bureau of General Archives.
2. A decree relative to the liberty of the press.
3. A decree relative to colonization.
4. A decree relative to literary property.
5. A decree authorizing popular meetings.
6. A decree concerning naturalization.

All these decrees, and with them that concerning the Garay grant, were communicated to the Congress which Salas convoked, by his Ministers, as laws enacted by the Provisional Government.

They were received and submitted to as such. No protest against them as usurpations was made, not a word from the press even, questioning their validity, or the power that enacted them. On the contrary, the very Congress that subsequently repealed this decree of Salas, on the ground *that he had not authority to make it*, annulled a law of the State of Sonora, because it violated Salas's decree relative to colonization. It would seem that his power was undoubted for every purpose, save to extend this grant. This needs no further comment.

I have caused to be prepared a paper intended to show, and I believe it does correctly show, the difference, both in time and distance, in passing from different points of the North American continent to the Pacific by these respective ways. The distance from New York to San Francisco, via Chagres, is six thousand six hundred and fifty miles, and the distance between the same points by the Isthmus of Tehuantepec, is four thousand nine hundred and seventy miles, making a difference in the distance of one thousand six hundred and eighty miles. Between New Orleans and San Francisco, by way of Panama, the distance is five thousand six hundred and seventy-five miles. From New Orleans to San Francisco, by the Isthmus of Tehuantepec, the distance is three thousand seven hundred and forty miles, making a difference of one thousand nine hundred and thirty-five miles. Now, as to time, I am informed that the average time now occupied in passing from New York to San Francisco by the Chagres route, is about twenty-eight days, and the quickest time that has been made, is twenty-two days.

Mr. WELLER. It has never been made in twenty-two days.

Mr. MASON. I would like to know what is the shortest time.

Mr. WELLER. Twenty-four days.

Mr. MASON. It is estimated, computing in the same ratio, that the average time from New York to San Francisco, via Tehuantepec, will be nineteen days, and the shortest time probably fifteen days. From New Orleans to San Francisco, by the way of Tehuantepec, it is estimated the time will be fourteen days, and the possible time twelve days.

I get these statements from gentlemen interested in this work, and who seem to have derived them from correct sources.

Mr. President, I have said that the Government of the United States has an interest in this right of way across Tehuantepec which it behooves us to retain, and to insist upon, through the agency of the Garay grant, now in the hands of its own citizens. It is a duty which the Government owes both to itself and to the citizens of the country. This right of way is within the limits of Mexico, and we are not without evidence that, if the Government of Mexico be permitted to repudiate the grant, we shall not have a transit across Tehuantepec for half a century. The Garay grant was a very liberal one. It conceded to the grantee ten leagues (or thirty miles) of the unoccupied lands on each side of the line of communication. It authorized colonization, and gave the colonists almost all the privileges of Mexican citizens. It was very liberal in reference to the tax that was to be exacted on the transit; and Mexico, more than all, precluded herself from imposing any taxes or any political charges on the work for a period of fifty years. The grant, therefore, is a most important one, and if we allow it to be repudiated and annulled, it requires no prophet to foretell that Mexico will either concede no other, or it will be done in such form as to render it valueless as a highway to the world.

How does the matter stand? The Mexican law, to which I have referred, disaffirming the decree of Salas, was passed in May, 1851, nearly two years ago. The Mexican papers inform us that that Government has, from time to time, issued proposals to construct this way by a new company, or in some other form. Two years have elapsed, and yet, notwithstanding the eminent importance to the world of having access across the continent at that point, the whole question stands now just where it stood then. We are informed that in all the propositions which have since emanated from the Mexican Government, in their proposals inviting new companies to construct this work, they have imposed limitations and restrictions which must discourage all from attempting it, or which would have the effect, if complied with, of leaving that work exclusively in the charge of the Mexican Government. The propositions are of this character: The contractors are required, in the first place, to acknowledge the unqualified sovereignty of Mexico over the transit, and her right to impose any political charges whatever upon persons or property passing over it. They are required to acknowledge a concurrent right in the Government of Mexico to fix the corporate charges. They are required to agree to place their mail steamers under the national flag of Mexico, and all their vessels are to be subject to tonnage and lighterage duties. They are required to agree to transport no troops or munitions of war across the Isthmus, except with the express permission of Mexico. They are required to discriminate in favor of such nations as shall guaranty this monopoly, by deducting twenty-five per cent. from the corporate charges in their favor; they are required to transfer the work at cost to Mexico, and, more than all, those who are there constructing this work are required to renounce their right to the protection of their own Governments, and become *de facto* Mexican citizens. In this point of view, the question becomes exceedingly important to this country.

If Mexico were what Mexico ought to be, an enlightened, intelligent, liberal community, they would do what even those far weaker Central American Republics have done. They would see that it was due to the great family of nations, not to us alone but to the world, that a work of this character, intended to connect the two seas and to pass the immense commerce of those seas, should be under the charge of no one Government, but should have the guarantee and protection of all. They would see that it was a duty which they

owed to other nations to make it a common highway, and to renounce the narrow and destructive policy of holding it purely as a Mexican work, subject to the mutations of Mexican policy. And yet it will follow, as certain as night follows day, that if the Mexican Government be allowed to repudiate this grant, it never will become such highway, unless at the cost of continual war. I say then, sir, unhesitatingly, that beside the duty devolved upon us to protect our citizens and their property against the aggression of a foreign Power, there is connected with this subject, a matter of vital importance to our own Government, and to the safety of our possessions upon the Pacific, which compels us in a manner to insist that this right of way shall be maintained substantially as it has been guarantied by the grant in question.

The duty of the Government to protect its own citizens against foreign aggression, I am sure I need not expound to the Senate. All writers on the law of nations enjoin it as a duty; and the reason is a very plain one, not only because of the relations which must exist between the governor and the governed, but it is a principle of public law, as it is of common sense, that the property of the citizen is, to some extent, the property of the Government. It constitutes the *respublica*—the commonwealth—and thus a Government, in protecting the property of the citizen, is protecting its own property; as in protecting the rights of the citizen, it is protecting its own rights; and this is the sum of what is proposed to be done for the holders of this grant. If their title be good—and I think there will be no question about that with those who will examine it—if they have been induced, as there can be no doubt they have been, to expend large sums of money in order to give effect to that title under the sanction, as well as by the invitation of a foreign Government, we should not allow that Government to crush and to destroy them.

But, sir, I go beyond that. We cannot get anywhere upon the southern continent, or upon the strip of land which connects the two continents, any right of way that will be so purely of a domestic character as this at Tehuantepec. If you look at it, you will find that its Atlantic terminus is in our own domestic basin, the Gulf of Mexico. There is not now a foreign gun mounted in that basin except upon the coast of Mexico; and if I appreciate the spirit of the American people, there never will be a foreign gun mounted in the Gulf of Mexico, unless it be by the coterminous Power, the Republic of Mexico. We have it then, here, comparatively at home. We have access to it from the mouth of the Mississippi, without passing anywhere (except upon the coast of Mexico) within reach of any foreign Power. The mouth of the river Coatzacoalcos, the terminus of the Tehuantepec road, is distant but nine hundred miles from the city of New Orleans, a distance which can be overcome by steamers in three days. It is thus, as it were, almost a part of our own territory, certainly so in regard to proximity.

I come now to look at this question in another point of view. I lay it down, without hesitancy and without fear, that we have a right to a way across Tehuantepec. According to public law, this Government may demand of Mexico a way across Tehuantepec; and Mexico cannot refuse it unless she becomes disloyal to the general compact of nations. What is a right of way? Every one is familiar with that. It pertains to individuals in life as it pertains to nations. I understand that writers upon public law derive it from that primitive state, when the entire earth was common to all men, and passage over it was free to all, according to their varied necessities. Such was the nature of this right before government was formed, or the institution of separate property ordained. By these the right in question, was only limited in its exercise; it was not destroyed; and it revives and resuscitates whenever there is a necessity making the way indispensable. It is illustrated in familiar life every day. If I purchase a piece of land so surrounded by the possessions of him from whom it is derived that I have no way out to mill or to market, I may take it, as a right incident to the acquisition. It is a principle resulting from necessity, and is modified as circumstances may require. A way impracticable in its use is the same thing as no way at all; and such is the exact posture of our present way across the northern continent. We purchased California from Mexico, paid a large equivalent for it, and we have in fact no way across our own continent to get to it. I cannot call that a way which leads through bands of savages, across trackless deserts, and over inaccessible mountains, for some thousands of miles, when there is before us a short and convenient pass in a neighboring territory that may be overcome by artificial roads in a single day's journey.

The principles governing this right are thus treated by Vattel, a work of admitted authority:

"The right of passage is also a remnant of a primitive state of communion, in which the entire earth was common to all mankind, and the passage was everywhere free to each individual, according to his necessities. Nobody can be entirely deprived of this right, but the exercise of it is limited by the introduction of domain and property." * *

"When, therefore, the owner of a territory thinks proper to refuse you admission into it, you must, in order to enter it in spite of him, have some reason more cogent than all his reasons to the contrary. Such is the right of necessity: this authorizes an act on your part, which on other occasions would be unlawful, viz: an infringement of the right of domain, when a real necessity obliges you to enter into the territory of others; for instance, if you cannot otherwise escape from imminent danger, or if you have no other passage for procuring the means of subsistence, or those of satisfying some other indispensable obligation—you may force a passage when it is unjustly refused."

Now, sir, I confidently say, there is an "indispensable obligation" on this Government to secure for itself a practicable and certain way to its connections on the Pacific; and I as confidently say, that at present there is none, without exposure at sea to the armaments of foreign Powers, which dot the whole ocean border through the Antilles and the Caribbean sea; and I further say, whatever respect and forbearance may be due to the dominions of our neighboring Republic, that forbearance may be tested too far: there is a point at which it ceases to be a virtue, and it may rest with her to determine when it shall be passed.

Now, sir, I mean to wage no war in this, with those who say that a railroad can be made across the continent through our own territory. I have no doubt it is in the power of the country to make such a road, but I doubt exceedingly whether it can be used effectively after it has been made. You may make a railroad ten thousand miles long as easily as one ten miles long, if you have the means; but it depends at last upon the climate, and the nature of the physical obstructions you meet, what is to be the use of it after it has been made. Compare a railroad stretched across the northern part of the continent with one at the Isthmus of Tehuantepec, but one hundred and seventy miles in length. We can use the seas with certainty. Steam navigation has proved that; and there is no danger of obstruction from ice either in the Gulf of Mexico or on the Pacific side. But in this Herculean work, which is projected to throw a road between the Mississippi and the Pacific, there can be no security of passage whatsoever. Passing over the depredations of hostile Indians, you are to traverse deserts destitute of either wood or water—both indispensable to motive power. For nearly two thousand miles you are beyond the reach of any resources but such as travel with you; and to end the whole, for nearly half the year the way when opened is obstructed by impassable barriers of ice and snow.

There can be no comparison between the two routes, so far as certainty and security of passage is concerned; and if this railroad across our own continent should be made, the country will find, when done, that there are months in the year when it cannot be used. I say then at once, that comparing any way that can be made across the northern part of this continent with that which can be made at the Isthmus of Tehuantepec, the one furnishes a communication certain and secure, and the other a communication of the utmost uncertainty and insecurity.

I have taken no part in the discussions which have arisen on the bill introduced by the honorable Senator from California [Mr. GWIN] for the construction of this railroad to the Pacific ocean; but the most cursory examination of the bill will show that the whole plan it proposes is crude and immature, not by any means from want of ability in those who project, but from vices inherent in the subject itself; and I understood the honorable Senator to say that he could not refer it to a committee, because former committees had tried in vain to perfect its details.

Here is a work to cost, I suppose, a hundred millions of dollars or more, running for two thousand miles through deserts, amidst hostile Indians, over stony mountains, and yet you cannot have the details of it adjusted, although you expect to make the road. I have not seen the bill that the honorable Senator from Texas [Mr. RUSK] proposes to substitute for it; but I learn that the chief difference between the two is, that one proposes that the road shall be made by a grant of land, and the other by a grant of money as an auxiliary to the land. Whenever this road shall be made—and doubtless it will be at some day after the territory through which it passes is populated—I apprehend it must be done, as all other roads have been, by previous careful survey and exploration. You cannot undertake to make a railroad without knowing where it is to go, and the country through which it is to pass, the grade which it is to be overcome, and the mountains and the rivers which it is to traverse, or whether it can be done at all. Why, it is undertaking to order a railroad to be made by our *fiat*, whether nature will or will not permit it. I do not mean to assert that this railroad will never be made, for in all human probability it will be; but I doubt much if any man now living will ever pass over it. If you could have an appropriation to-morrow in the form in which it is asked, and supplying all the necessary funds, if I know anything of human affairs, my life upon it the road would not be built in twenty years.

But, I ask, what conflict is there between the two roads? None whatever. The Government embarks no money in this enterprise. In what I propose, the Government will do nothing more than hold Mexico to her public faith. That will insure the making of the road. The work will be in the hands of private enterprise altogether; but when it is done, there will of necessity be conventions between the Governments interested to see that it is held as a common highway.

Sir, it is my purpose to ask the Senate to adopt the resolutions reported by the Committee on Foreign Relations. They go as far as the committee deemed it necessary or proper to go at the time they were reported. Their purpose is to let the Government of Mexico know, as the deliberate judgment of the Senate, that good faith be preserved on her part in reference to this grant. So far we insist now, and when the time comes, as we may confidently hope it will, when Mexico shall once again enjoy a responsible Government—a Government capable of conducting its affairs, and in a position to be treated with by other Powers, there may at last be no difficulty in adjusting the whole subject. Our relations with Mexico at present are in a very embarrassed condition; not from this alone, but from additional causes; and they must continue to be more and more embarrassed as long as each subject of disagreement and dissension is left unadjusted. I confidently hope, indeed I entertain no doubt, that the Administration which is to come into power, now within a few days, will send to Mexico an able and competent man as Minister; that he will go there under instructions to assure the Government of Mexico that there is no purpose on the part of this Government to oppress or injure them; that all our feelings—the feeling of our whole people, as well as of the Government—are fraternal and kind towards her. All that we ask is, that they will do what any other Government upon earth would have done long since, to allow that way to be opened as a highway of nations; that we will give them aid and encouragement and countenance in doing it; but that we are pledged to hold fast to this grant because of well-founded apprehensions, if it be yielded, the most available and speedy transit between the two oceans which wash our shores, as well as hers, will remain closed to the world.

Should Mexico consider the concessions in this particular grant too liberal on her part, modifications may well be made, based on proper equivalents to the grantees, making the concession more acceptable to her or to her people. But the right of way which that grant concedes, is a *sine qua non*, and we must hold to it. I should think it would be in the power of a Minister, under proper

instructions, to adjust all these difficulties, and once more to restore that harmony and fraternity so important to the welfare of the two countries.

The resolutions under consideration import nothing more than the opinion of the Senate that the Government of the United States is bound to protect the property of its citizens against foreign aggression, in the instance of the holders of this grant; and if Mexico does not, within a reasonable time, make proper reparation in such a way as shall restore to them their just rights, we may be compelled to review our existing relations with her.

This, sir, is no threat of war—Mexico is no fit adversary for such a people as ours. We deplore her weakness, and sympathize in the distresses of her people. We would far rather extend our arm to succor and sustain than to oppress or destroy. But with every feeling of kindness and justice to others, our Government owes a high and stern duty to itself. The weakness of a neighboring Power cannot be admitted as a plea exempting her from the common duty of nations to each other, and to the world. It cannot, and will not be allowed, that our country should be impeded in its great career by the mere imbecility of Mexico. And it remains only to declare, if this transit be considered in the circumstances in which the country is placed, as one indispensable to our welfare, it must be conceded, or it will be taken by strong hand.

THE TEHUANTEPEC GRANT.

SPEECH OF HON. S. W. DOWNS,

OF LOUISIANA,

In the Senate, *February* 2, 1853.

The Senate having under consideration the following resolutions reported from the Committee on Foreign Relations, in reference to the Tehuantepec Grant:

Resolved, (as the judgment of the Senate,) That in the present posture of the question on the grant of a right of way through the territory of Mexico, at the Isthmus of Tehuantepec, conceded by that Republic to one of its citizens, and now the property of citizens of the United States, as the same is presented by the correspondence and documents accompanying the message of the President of the United States of the 27th July, 1852, it is not compatible with the dignity of this Government to prosecute the subject further by negotiation.

2. Should the Government of Mexico propose a renewal of such negotiation, it should be acceded to only upon distinct propositions from Mexico, not inconsistent with the demands made by this Government in reference to said grant.

3. That the Government of the United States stands committed to all its citizens to protect them in their rights, abroad as well as at home, within the sphere of its jurisdiction; and should Mexico, within a reasonable time, fail to reconsider her position concerning said grant, it will then become the duty of this Government to review all existing relations with that Republic, and to adopt such measures as will preserve the honor of the country and the rights of its citizens:

Mr. DOWNS said: Mr. President, I shall not discuss many of the important questions connected with this subject, which were so ably presented yesterday by the honorable chairman of the Committee on Foreign Relations, [Mr. Mason.] It is unnecessary to do so, because he has suggested everything which the occasion required, much better than I could do; and I would not weaken the very able argument which he has made, or dilute it by repeating what he has said. Therefore, in the course which I shall take, I shall assume at once that the various propositions contended for by the honorable Senator must be considered as established; that the Garay grant was a valid one, made by competent authority; that various other acts of the Government of Mexico—that the negotiations entered into—that the whole history of the transaction, which I shall not go into, established this. I shall therefore take for granted all the facts which have been so clearly and so ably presented in the report made by the Committee on Foreign Relations at the last session, and in the speech of the honorable chairman yesterday. I shall offer no argument to the Senate on those points. I shall say very little on another matter connected with this subject, as to the importance and necessity of this communication, and as to the question of how far it may conflict with the proposed Pacific railroad.

Mr. President, in my opinion it is too late to discuss the expediency, the propriety, or the necessity of the Government of the United States taking prompt action on this subject. The period for any such doubts has long since passed. This Government, in the most solemn manner, has taken its position on this subject; and however doubtful it might have been at first (I never had any) I cannot see that there is any room for doubt now. But if anybody more scrupulous than myself might have raised a doubt as to whether it was the duty of the Government to interpose in a matter of this kind, and protect its citizens, the time for doubt has passed. The Government, in the most solemn and formal manner, has interposed, and has said that its duty is to protect its citizens in their rights in this matter; and it would be unbecoming the dignity of the nation; it would weaken our influence abroad; it would be unworthy of the American people, if now, after the Government has taken this position, it should be receded from. The Government's position has been taken, not merely in a casual correspondence of the Secretary of State, but in the most formal manner. Not only that, but it has even gone beyond the ordinary form of diplomatic intercourse. The President of the United States has felt it to be so important and so interesting a subject, that he has departed from the usual course of diplomatic intercourse, and addressed a private letter to the President of Mexico, remonstrating against the course which that Government was then likely to pursue, and warning him of the consequences if it should violate what the Government of the United States considered to be the interests of its citizens.

In a letter from the Secretary of State to Señor Luis de la Rosa, the Mexican Minister at Washington, dated April 30, 1851, after an able and comprehensive review of the whole question, the Secretary, referring to the probable rejection of the treaty by Mexico, (which a letter of the Mexican Minister led him to anticipate,) concludes in the following emphatic terms:

"The President of the United States cannot persuade himself that such a calamity as its rejection by Mexico now impends over the two countries."

Again, in a letter to Mr. La Vega, the successor to Señor La Rosa, of the 15th March, 1852, the Secretary of State says:

"If, however, these hopes should prove to be unfounded, and the convention should not go into effect, this Government will feel itself compelled to take into consideration the measures which its duty to its own citizens may require it to adopt, to protect their rights under a voluntary grant made by Mexico of the transit way across the Isthmus. The Government of the United States can in no event be expected to abandon those rights, and ardently hopes that the Mexican Government will do justice to them in season."

And, finally, in view of the great importance of the occasion, and to avert, if possible, consequences of the magnitude of which to the two countries, whilst this question remains unsettled, none can be blind, the President of the United States addressed himself directly to the President of Mexico by a letter of the 19th of March, 1852, from which the committee quote as follows:

"In addition to the motives I have urged for the speedy adjustment of this matter, I beg leave most earnestly to call the attention of your Excellency to the probable difficulties that may grow up between the two nations, should Mexico break her plighted faith in the grant to Garay. Our citizens, relying upon her good faith, have become interested in that grant; they have advanced large sums of money for the purpose of carrying out its objects; they have surveyed a route for a railroad, and demonstrated the practicability of constructing it; and it is not possible that they should now be deprived of the privileges guarantied by that grant, and sustain the heavy losses that must ensue, without appealing to their own Government for the enforcement of their rights. My anxious desire is to avoid the too probable consequences that must result from such an appeal. We cannot, if we would, be indifferent to it. It is a duty which every Government owes to its own citizens, to protect their rights at home and abroad; and the consequences growing out of the disagreement of the proprietors of the Garay grant and the Government of Mexico are such as no true friend of this country or of Mexico can look upon with indifference."

This, Mr. President, is the position that has been taken in the most solemn manner by the Government of the United States; and if there ever was a time to waver, or to doubt, that time has passed. We have not only the right to interpose, but our Government has pledged itself to interpose in this matter; and we have no option left. It may be urged that Mexico is now weak; that she is in a state of anarchy; that it is hard to proceed against her under such circumstances, and that we ought to be more mild and more moderate to her. There is much in that suggestion, under the peculiar circumstances of Mexico. Perhaps I have as much sympathy for the troubles of that sister Republic as any man can have. I have recently seen the message of the late President of Mexico to the Congress of that Republic, and I consider it a paper of the most melancholy character, and one calculated to excite the sympathy of the lovers of freedom and of mankind everywhere. I have never seen a document of that kind which so deeply and so permanently affected my feelings. It is one of the most affecting documents that I have ever heard of in the annals of any country. He saw his country sinking into anarchy and misfortune; he saw its utterly hopeless condition, and was evidently stimulated by patriotic motives, and anxious to do what he could to save his falling country; but his efforts have turned out to be utterly fruitless. In reading that document, I could not but contrast the prostrate and miserable condition of Mexico with that of the United States. I could not but express the sanguine anticipation that long might it be before the President of the United States should have occasion to send to the Congress of the United States such a message as that.

My feelings, then, towards Mexico, on account of her condition, have much weight with me on this question. I would, therefore, under ordinary circumstances, so far as depends on me, forbear; I would say nothing, I would do nothing to embarrass her in her present condition; and I would if I could wait until more prosperous circumstances should attend her; but I consider that we have no option in this matter. The dispute did not commence lately. If so, perhaps I should be willing to postpone it until the next Administration comes into power; but it was commenced before the present disasters of Mexico arose; and it was absolutely necessary, in my opinion, that the Government of the United States should take the position which it did take at the time; and that position cannot now be abandoned without injury to our character and to our country. We know very well how carefully the Mexicans watch our conduct, how ready they are to take advantage of everything like wavering and indecision on our part, and we ought to be sensible of the great injustice and dishonor which has been imposed upon us by the course which she has taken heretofore. If now, under the promptings of any generous motives, we should forbear to act, and to act as becomes our dignity and honor, Mexico will very probably conclude that she is at liberty to do as she pleases in this matter, without any danger of interference on our part. I consider, therefore, that no option is left us. We must act, and we must act at this time. Our honor is invaded. Let us have sympathy and good will for Mexico, but when our honor is involved we have no option; we must first protect that, and then we may act under the dictates of humanity towards Mexico.

I would ask gentlemen to look for a moment at the aspect of this question. I feel rather astonished that the people of the United States have borne with the conduct of Mexico for such a length of time. What is the position of this question? This grant was considered by Mexico when we negotiated with her for the treaty of peace in 1847, as so well established that she absolutely refused to enter into negotiations with us on the subject because the grant had been ceded to an English company. The rights of that company are now vested in American citizens. Mexico has twice entered into treaty stipulations recognizing the validity of the grant. By special orders and instructions and passports, she has permitted our engineers and officers to go there and survey the route. Yet, suddenly, under circumstances which the Senator from Virginia so graphically and so ably described yesterday, by a mere political turn of the wheel, she took it into her head that the grant must be abrogated, and that the treaty must not be concluded. The Mexican Congress passed an act abrogating the grant. Not only was that done, but the Mexican Government drove from the country the engineers and officers of the company sent there by her special permission.

Mr. HALE. I wish to ask the honorable Senator a question. He speaks of the assignment of

the grant to American citizens being ratified or acknowledged by treaties. I want to inquire of him if those treaties have been ratified by the different branches of the Mexican Government?

Mr. DOWNS. No, sir; but one of them has been ratified by the American Senate.

Mr. HALE. And rejected by the Mexican authorities.

Mr. DOWNS. Rejected or not acted upon. I give the President and Secretary of State great credit for their course in this transaction, so far as they have gone, but, in my opinion, they might and ought to have gone a step further. When this ignominy was imposed upon our citizens of sending off officers and engineers who had been invited to go there—and one of them was an officer of the United States of high rank—I think it was an indignity which the Government ought to have resented, and not to have permitted quietly to pass by. Then was a proper time to vindicate the honor, and to show the strength of this country. If, instead of pocketing the insult, the President of the United States had ordered one or two of our vessels-of-war, that are not doing much in the Gulf of Mexico, to the mouth of the Coatzakalcos, and had suggested to the company to send their engineers there and put them to work, and that the Government would protect them, they would have gone to work on the surveys, they would have finished them, and the road would have been in progress, and perhaps half completed by this time; and there would have been not only no war with Mexico, but no cause of war. But that is not all.

What has Mexico been doing? After this grant had been thus solemnly made, thus sanctioned in so many different decrees of the Government, and by treaties entered into by this country—after the Senate had sanctioned the treaty of 1851, and it was only waiting the ratification of the Mexican Government, what did Mexico do? Considering all her obligations, considering her faith pledged to the United States as nothing, she held up this grant, huckstering it all over the world to everybody, to see what price she could get for it. If she is allowed to do that, if the United States can stand by tamely and allow that to be done, she would be very apt next month or next year to set up California for sale, and turn out my friends [Messrs. WELLER and GWIN] who so ably represent that State. Or, on the same principle, Spain might set up a right to sell Florida, or France to sell Louisiana; for, in my opinion, the obligations by which those Territories were ceded are scarcely less binding than the obligations which the Mexican Government entered into in making this grant. How, then, can we pause; how can we hesitate in regard to the policy which we should pursue? We cannot pause; we cannot hesitate, unless we say to the world that we will submit to anything, to any indignity that may be imposed upon us; that we are so fond of peace that we will permit everybody to insult us.

Mr. President, this is an appropriate subject for practical action, and not for discussion as a mere abstraction, and I am glad to have such a question upon which to express my views. I prefer it to an abstraction. Abstractions may do well enough for others, but I think the course of policy of our country is better illustrated by acts than by words. And now, when we have a question before us which requires it, I think it is a proper occasion for decided action, and that it will have more effect than any resolutions which we might pass, which are not so practical as these which are before us. I am not in favor of aggressive or violent measures towards any nation. I would not stimulate the military feeling of the people of the United States or their disposition to acquire territory. I think both are perhaps already too great; but I feel that it is our duty to protect our honor and preserve our proper position among the nations of the earth, and show that on all proper occasions our strength and power will be exercised, and that too in such a way as to make it perfectly understood by the whole world; and I think this is a proper occasion for that purpose. Let it not be said that the measures proposed by the resolution are extraordinary, or that there would be anything extraordinary in resolutions, even stronger than these. Not at all. It is not the first time in the history of this country, or of other countries, that a Government has assumed a right to and even taken possession of a territory, and negotiated afterwards. There are many instances of such a course in history. Why, sir, in my own State, for seven years after the cession of Louisiana, from 1803 to 1810, a large portion of the present State of Louisiana remained in the possession of the Spanish Government and under the Spanish authority. In 1810, it was taken possession of by our Government before the treaty of 1819, and it was in our possession for nine years, and the title was settled by the negotiation in 1819 at last. Did it lead to war? No; it produced no war. We had the right, we seized on the territory, and then negotiated for it afterwards, and it caused no war.

Again: gentlemen must not suppose that every foot we place upon foreign territory is an encroachment, and is a cause for war. We have not been so particular heretofore in matters of this sort. Long ago, before we acquired Florida, you know, and the country knows, General Jackson marched an army into Florida, and he actually seized and executed some of the incendiaries who had been exciting Indian hostilities against us, and his course was fully vindicated by the Administration then in power. It would, then, be no novel thing in the history of our country, or of other countries, if, when such an indignity had been imposed upon us by the Mexican Government, we had vindicated our rights, and sent such a force into that territory as was necessary to protect the surveyors and let them go on with the work. It would have led to no war. On the contrary, it would probably have tended to an adjustment of the question in a manner satisfactory to all the parties long ago. So far from energetic measures promoting a war, or not being our true policy, they are often the very best means of preventing war. We sometimes get into wars by hesitating and doubting too much. I believe, sir, in all probability the Mexican war itself would never have taken place, if the Mexicans had been convinced from the first that we would insist on our rights, that we would not hesitate and doubt. But we had claims against them for spoliations upon our citizens; we negotiated treaties of indemnity; there were difficulties in the execution of them; we temporized with the Mexicans; we gave them time; we showed them almost every indulgence. Then we had a dispute with them about the boundaries of Texas. They claimed land east of the Rio Grande, and we were careful not to offend them in that until they came to the conclusion that they could persuade or induce us to do almost anything, and finally they were led to acts which resulted in war. That was forced upon us. I believe there would have been no Mexican war at all if the moment they had failed to fulfill the indemnity stipulated for, we had exacted it at the cannon's mouth, if necessary. Or, when the question was started about the boundary on the Rio Grande, if, instead of negotiating and sending ministers about it, we had sent an army to the Rio Grande, as at last we had to send General Taylor, to arrest their steps, and told them that there they should remain, we would not have had the Mexican war. If those prompt measures had been taken, we should have avoided all that difficulty.

So now, if we act peremptorily in this matter—if we show to the world that we will protect our citizens and vindicate our honor, there will be no war. That will be the best way to avoid war. But if we temporize, and vacillate, and express doubt and hesitation in our action, that very consequence will take place, and we shall go on to quarrel more and more. One change in the Mexican Government has produced the difficulty which now exists between us. When another comes into power, particularly if that arch-enemy of the Union, Santa Anna—as probably he will be—be placed at the head of affairs, we see at once he will think that if this Government tolerated the course pursued by his feeble predecessor, he, with his new power and ability, can take much greater liberty; and, perhaps, being a little vexed at the result of the last war, he will be willing to promote a contest with us; and he will very likely do it, if we temporize, and forbear, and hesitate. Let us lay down the rule, then, to say what our rights are, and that we shall insist on them. If we do so, we shall not be subjected to that difficulty.

Mr. President, I think the policy of our Government towards many of the South American Republics, and particularly towards Mexico, has been a great mistake from the beginning, and I wish to see it changed. At first it was very natural, and I cast no censure on any one for that policy. Those States had revolted from the mother countries, and were struggling to be successful. We wished to lend them a helping hand. It was natural, therefore, that we should treat them with the utmost leniency; that we should not be harsh with, or exact too much from them. But when they established their Republics, when they commenced their career in the world as independent nations, there was no necessity for our pursuing so indulgent a policy. We ought then to have treated them as we did other nations, not exacting anything wrong from them, but insisting on their performing what was due to us. If we had done so, should we have been subjected to the difficulties to which we have been subjected? I think not. What has been the history of our intercourse with Mexico? One continual series of aggressions on her part, and of complaints and treaties and negotiations on ours. During the whole period since she acquired her independence, there has scarcely been a time, either before the war or since, when an American vessel or an American citizen could go into a port of Mexico with any guarantee for the safety of property or even of person. Even your consuls have been sent to jail and imprisoned, and been insulted, and been subjected to all kinds of ignominies; and when the facts have been reported to our Government, instead of demanding that peremptory redress which we should have demanded, and which other nations do demand, the reply was given to the sufferers, as in a case which occurred lately, that we would negotiate with the Mexican Government on the subject. That is not the right policy. There are some nations, in controversies with which the only language that you can speak is cannon and musketry. We should not have had to use so much of that, perhaps none at all, with Mexico if we had acted right in the beginning.

I am told—though I do not know whether it is a fact—that very often when these outrages were committed upon our vessels and citizens, the mere accidental arrival in a Mexican port of an American vessel-of-war, immediately produced redress without any exercise of force, or any very peremptory demands; and if it had been generally understood that our cruisers, under all reasonable circumstances, had been instructed to redress such grievances, our citizens and vessels would not have experienced such a continual series of insults. I do not wish unnecessarily to act rigorously towards Mexico, or towards any other country; but I do wish such a policy to be adopted by this Government, that our citizens, when they go into Vera Cruz, Acapulco, or any other port, may feel that, as American citizens, their property and persons are to be protected. I believe that has not been the case heretofore; and I believe it will not be the case while the tame and vacillating course that has been pursued, is persisted in. I wish to see the American character more respected abroad than it has been. I do not know how it happens that a people so sensible of their honor, personal and national too, submit so tamely, and so much more so than other nations do, to insults offered to the persons, as well as the property of our citizens elsewhere. I would wish to see that Roman feeling, which existed under the ancient Republic, cherished by our people. I would wish that the American citizen should be protected, not by cannon, or vessels-of-war, or by our minister or consul. I wish to see this Government conducted in such a way—and if it were conducted as, in my opinion, it would be proper to conduct it, such a state of things would exist—that the only passport an American citizen would require anywhere, would be that only passport which the Roman citizen required—"I am a Roman citizen." "I am an American citizen." It is not so now; and it never will be so while this tame, vacillating, and uncertain, and not peaceful, but dangerous policy is pursued, for it will lead to more wars and squabbles than an energetic course would do.

I trust then, Mr. President, that the resolutions will be adopted. While, under different circumstances, I should perhaps wish to have them amended, so as to make them more energetic, yet

considering that they declare the intention of the Government to vindicate its honor and protect the rights of its citizens, and considering, too, that it is perhaps better not to commit ourselves too far on the subject when a new Administration is coming in, but to leave the matter open to it, and considering, further, the distracted situation of Mexico at this time, I am willing to vote for them as they are. But, under different circumstances, if the Administration now in power was to continue long, and I thought there was any uncertainty about our future course, I should wish to make them stronger.

I stated, in the commencement of my remarks, that I would not discuss the definitive title, or the importance of this road to the interests of the United States. I shall not do so to any extent; but there are some considerations which I wish to offer to the Senate with regard to the importance of the road. The advantages of it can scarcely be overrated, or too much considered. It is important to us and to the world, in two points of view. It is not simply desirable as a means of communication between one part of this country and another. As such, it would be very valuable and desirable; but it has a broader and more important sphere of influence than that. It is to be a means of communication for the world. Admit, then, for the sake of the argument, that we are to have a railroad within our own territory,—I have no objection to that, as I shall presently show,—it will not interfere at all with this road. I shall show that this will be a route not only for the United States, but for the whole world. There are other possessions and interests besides ours upon the Pacific, and there is other commerce to be accommodated, and there is other business to be done there besides that of our own.

It is, then, of great importance to the world to have this route opened so as to have the most practicable, and easy, and speedy communication between the two oceans at a point near the middle of the continent. Independent of any advantage to our commerce, it is a matter of great importance to the whole world. The route is at a point near the center of the American continent, where the goods which are transported from one side to the other can be easily taken to every important commercial port. It will be the great thoroughfare of the word. I shall not enter into a comparison of this route with the Panama route, or the Nicaraguan route, or any other. I believe this is decidedly better than any other route. Long ago, as many as three years ago, an application was made to the Government of the United States to favor the Panama route. I then offered very fully my opinion, and demonstrated, as I thought, very satisfactorily, that this was a more proper route than the Panama, and nothing has been shown since that time to prove that my opinion was not well founded. It has a better climate, is nearer to our possessions, and is easier reached from all our Pacific ports; and, as was alleged by the Senator from Virginia, [Mr. MASON,] it is important to us because it leads directly to the great Mediterranean of America, in which, as he very properly observed, no nation has a right to plant a single gun except Mexico and the United States. It is, then, of immense advantage to us. This great inland sea is of great importance, and will continue to be more and more important as we become advanced in civilization. Sir, look at the map, and see the advantage we possess. I have it laid down here in a line. Take the Cape of Florida, Cuba, and Yucatan, and you will find this is not only an internal sea within three days' sail from any part of it to the mouth of the Mississippi river, which is in itself a Mediterranean, but we have this immense sea so nearly shut up by islands already, by the Cape of Florida, Cuba, and Yucatan, that a few vessels stationed in favorable positions would make the whole as much an island sea as it could possibly be.

Mr. President, it is a matter of some consequence to have this great line of commerce of the world established now, where in future the riches of the Indies are to pass, instead of by the lines of travel heretofore used, and where our own local interests are so deeply involved, especially as it relates to the ports of New Orleans and Pensacola. It is of immense importance to have the route established now, because if the line of trade once becomes established in another direction, it will be much more difficult to change it than to guide it now. Independently of all private or local advantages, this is a great national question, and is of national importance. It has been discussed for years. It is not one of those ephemeral schemes which produce an excitement for a day, and then are passed over forever. Before we made our treaty with Mexico, its importance was perceived. Before we had our possessions upon the Pacific, its importance was well judged of by our Government. Measures have been taken to protect our rights there, and nothing should now induce us to abate our claim, or prevent our exercising our rights. Certainly the inducement is greater now to insist upon them. And I will ask, Mr. President, if there is not something taking place in that country which will make it still more important to our interests that we do this? Are we not likely to have struggles and difficulties in regard to Central America? Are we not to have a contest in regard to the subject of colonization on that coast, contrary to treaty stipulations, as I think? I shall not go into the discussion of that subject now; it is not necessary to do so. But there is a pending question; there is a question relating to all that part of the Isthmus through which the other route passes. Difficulties and disputes may arise, and I wish to keep this route. I do not know that there is any attempt at colonization, or the establishment of positions in the Gulf of Mexico proper; but I wish to avoid any question which may arise hereafter. But if we temporize, if we forbear, and permit ourselves to be insulted, how do you know but that to-morrow, or the next month, or a week after you adjourn, you may see a proclamation of the British Government, announcing that they have established a British colony upon the Gulf of Mexico, or upon the other side of the continent, and near Tehuantepec? I do not see why they should not do it, if we do not vindicate our rights, and say that this position is important, not for ourselves alone but for the whole world, and it shall be kept in such a condition that it cannot be converted to any hostile purposes. Without going into the argument as I might upon this point, I think these considerations are sufficient to show the advantage of this route in the particulars to which I have referred.

But again: I cannot see any reason in the world—and I hope such an idea will not be taken up by anybody—why the pressing of the Tehuantepec route should be considered hostile to the Pacific railroad. I certainly have no such feelings. I do not think they are entertained by any one. I feel, and perhaps my constituents feel, as great an interest in that road as anybody else; because, in all probability, an important branch of it will pass through my State. I will, therefore, go as far as any member for that road, and will devote my exertions to carry that bill through as speedily as possible. But still I cannot be insensible to the fact that there are great difficulties in the way. It is best that we should not shut our eyes to these difficulties. I would be willing to do as much as any man to surmount them, but it is so stupendous a work that it will take years to complete it. If you put the work in motion, and commence operations upon it, and if they go on most prosperously and have no drawback whatever, I suppose no member now here will say that a railroad car will run from the banks of the Mississippi to the Pacific ocean in California in less than ten years. It would be a very favorable anticipation to suppose such a thing. Now, ten years in the national affairs of the United States, particularly when you consider what has been done in the last four or five years, is a period of time which may be productive of results of almost an age.

Shall we submit, then, to the inconveniences of the long voyages, the sickness, and troubles, and exposure incident to them, that would be necessary before we could have the Pacific railroad completed? I think not. I think even when that work is completed it will not dispense with the Tehuantepec route. It will still be a great thoroughfare of commerce, and, in some degree, of passengers also. I know—I am as conscious as any man—of the advantages of railroads. I am conscious of the great advantages which they have in expedition, and in the carrying of light freight; but I am also conscious—and I think I am right—that for long distances, and for heavy productions and merchandise, a water communication will compete with them. In the great line of communication, then, where the heavy commerce of the world is carried on, I take it for granted—and I think history will show I am right—that when by one route we have a railroad communication of some two thousand miles, and by another water communication, a large portion of the heavy commerce will be transported by the latter. I take it for granted that provisions, flour, tobacco, pork, and other heavy articles, would never, at this day, if you had a railroad established from New York to San Francisco, be sent over it. We find that on shorter routes they are sent by water communication in preference to the railroad, and we know how distance increases the difficulty.

In regard to this route interfering with the proposed Pacific railroad, I would further remark, that it is a very general observation, when a railroad is proposed to be constructed in the United States, that we think it is doubtful whether the business of the country is sufficient to justify it. But let it go into operation, and in a little while we find the business of the country increases, and another is established, running in a similar direction, and perhaps another, and all are employed. The establishment of a railroad gives an impulse to the trade which is carried on over it. Be not afraid, then, that if you establish this Tehuantepec route, you will have no use for the Pacific railroad. Believe me when I tell you, that, with California going on so rapidly as she is, and the trade with the East and the islands of the Pacific increasing, when this new route for the commerce of the world is fully in operation, you will not only find use for it, but for your railroad to the Pacific, and other routes which may be established.

I think, then, these resolutions ought to pass. They certainly are as mild as any gentleman can wish. I hope there will be no suggestion from any quarter to abate anything from them, because I think that could not be done without injury to our interests. We have taken the position now that it is our duty to interpose in this matter to protect the rights of our citizens. We have said to the whole world that this is an important route, that vast interests are involved in it; and we have even suggested, in our discussions among ourselves, that it is important to our national defenses. If, after all this, we abate anything from them, I think the consequences will be injurious. Hence it is that I have urged that these resolutions should be taken up and passed at this session. I do not expect any rash or precipitate action of the Government. I do not expect that by the passage of the resolutions anything harsh or injurious will be done to Mexico; but I wish her to understand that we will vindicate our rights in this matter. I wish her to know that we distinctly understand our relations to her, and will protect the rights of our citizens. I do not pretend to say what particular measures ought to be adopted. I am perfectly willing to leave that to the Administration which is coming in; but I do think, before this Congress, in which this question originated, closes, it is proper that the Senate of the United States should proclaim to Mexico and to the world that they will sustain the President in the course which he takes, and will never submit that these insults, this offensive disregard of the rights of our citizens, shall go unpunished or be acquiesced in.

THE TEHUANTEPEC GRANT.

SPEECH OF HON. W. H. SEWARD,

OF NEW YORK,

IN THE SENATE, *February* 8, 1853,

On the Resolutions reported from the Committee on Foreign Relations, in regard to the Tehuantepec Grant.

Mr. SEWARD said: Mr. President, history will elucidate this subject, if we can adjust the lens so as to concentrate its rays. The great occupation of the nations of western Europe, from the beginning of the fifteenth century to near the close of the eighteenth century, was colonization and the establishment of empire on the American continent. The year 1775 witnessed the opening of the

first act in the great drama of the decolonization of this continent, the end of which is not yet. By the treaties of 1783, to which not only the revolting and belligerent colonies of Great Britain and Great Britain herself were parties, but also France and Spain, Great Britain, who was the most able to keep her American possessions, resigned thirteen of her principal colonies on this continent, not so much because of her weakness, as because of their own already maturing strength, and the aid which they derived from the intervention of France.

Leaving out of view some sparse and unimportant settlements of Russia, the North American continent was now divided between Great Britain, which retained all the regions that laid between the St. Lawrence and the lakes and the north pole; the United States, which reached southwardly to the borders of Louisiana and Florida, and indefinitely westward towards the Pacific; and Spain which retained the remainder, consisting of the provinces or colonies of the Floridas, Louisiana, and New Spain, now called Mexico. The United States were then governed by fixed, domestic, constitutional, representative systems and habits of government. They had long been in the enjoyment of them, although not of political independence; and the government they thus enjoyed, rested upon the foundations of popular education, freedom of the press, toleration of conscience, and above all upon the sacredness of personal rights, secured by common law and statutory safeguards borrowed from England, of the rights of trial by jury, and *habeas corpus*.

On the other hand, the Spanish provinces had been governed from the first by a foreign despotic Power. The subjects of those provinces were ignorant of any system or principle of representative legislation, or of freedom of the press, or of toleration of religion, or of guarantees of personal liberty. The United States had no elements of wealth except a soil of varied fertility, the more common and useful minerals, and access on one side to the sea. The Spanish provinces, on the other hand, had a more prolific soil in a climate of surpassing healthfulness and beauty, with rich mines of the precious metals which Providence has so sparingly distributed, and access to *two* oceans. The United States were practically a homogeneous people, consisting of homogeneous States. The Spanish provinces had a population, three fourths of which were native Indians, one eighth Creoles, and only the remaining one eighth Europeans.

The experiment of independence and self-government in the United States was completely successful; and with it came immediately a rapid progress in national wealth and prosperity, attended by an increase in the advance of population unknown in the experience of mankind; a tide formed of natural increase and perpetually swelled by European immigration. On the other hand, the provinces of Spain remained nearly stationary. They caught from the United States the passion for liberty, without, however, obtaining the elements by which it could be preserved. They proposed to secure for themselves the institutions of civil liberty; but they borrowed the form only, while the spirit which gave it life refused to attend it.

These were the relations, and these the conditions of the United States and of Spanish North America at the commencement of this century. This century has thus far exhibited two political processes, continually going on upon this continent. The first, that of general decolonization; and the second, that of a decay of Spanish American power, and the aggrandizement of the United States of America. Spain ceded Louisiana to France in 1800, and in 1803 France conveyed it to the United States. Apprehensions were felt at that early day in New Spain that the United States might advance so as to encroach upon that territory; and those apprehensions were fearfully confirmed when the United States, having first taken possession of portions of the provinces of Florida, obtained, in 1819, a relinquishment of them by Spain. Texas was for a time uninhabited, and seemed to promise that it would remain a barrier for New Spain, or Mexico, against the United States. Becoming rapidly peopled, nevertheless, Texas asserted its independence, and then the hopes of Mexico for its own security and safety rested upon the chance that Texas might remain an independent Power, or put itself under the sovereignty of some European State, which would prevent its annexation to the United States. But these expectations signally failed; and in 1845, Texas came into the United States with possessions, then understood by most of us, to reach only to the river Nueces. The war with Mexico which grew chiefly out of that annexation, and out of the attending border question, resulted, as we all know, in the direct dismemberment of Mexico, and the annexation to the United States of what remained to Mexico of the State of Texas, together with the States of New Mexico and Upper California, by which the United States advanced to the bank of the Rio Grande, and across the continent to the shores of the Pacific ocean.

We have thus seen the action of one great American idea upon Mexico; that was the idea of national aggrandizement. But at the same time, another great American idea was operating indirectly for the embarrassment of Mexico, and that was the idea of civil liberty, guarantied by institutions of federal republican government. The United States from the first, or from an early day, determined that there should be no European colonial power remaining on this continent which they could prevent or remove, and, therefore, they fostered a spirit of revolt in Mexico; and when Mexico, in her revolution, or after her revolution of 1821, arrived at the point where she must definitely choose her form of government, the United States recommended to her, with success, the principles of federal republicanism, which were adopted. The short-lived Empire of Iturbide was abolished; and in 1824, Mexico adopted a Constitution, which, in its most important characteristics, is identical with our own. During the twenty-nine years which have since elapsed, Mexico has had no repose. She has been rent often and in every part by the struggle between the North American principle of federalism, and its antagonist, the European principle of centralism. The people will bear no government but a federal one. Some wise men in Mexico have continually maintained that no other government than a central one can be upheld there. The army has decided the contests as bribery or caprice has swayed its chiefs. The history of Mexico since 1824 is only a history of the contest between these organic principles. The central principle has partially prevailed, for periods amounting in the aggregate to eleven years; while the federal republican principle, and the constitution of 1824, has prevailed during the remaining nineteen years. The war between the United States and Mexico ended, as you remember, with the treaty of peace, commonly called the treaty of Guadalupe Hidalgo.

I invite now the attention of the Senate to two provisions contained in that treaty. In the fifth article is the following provision:

"The boundary line established by this article shall be religiously respected by each of the two Republics; and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own Constitution."

The twenty-first is in the following words, to wit:

"If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case."

In 1842, before the war between the United States and Mexico occurred, General Santa Anna, a brave, talented, and energetic soldier, who has, during his long and active political career, sometimes given a compelled assent to the federal principle, but who seems, nevertheless, to have been all the time a centralist at heart, had attained the provisional executive power. During his administration, Don José Garay, a citizen of Mexico, and a favorite of the Dictator—for all Dictators have their favorites, and I am sorry to say that Santa Anna is not the most pure of that class of magistrates—Don José Garay, and other members of his family, obtained from Santa Anna, besides the monopoly of opening the passage across the Isthmus of Tehuantepec, four other monopolies—*one*, the exclusive right to navigate with steam the Rio Grande; a *second*, the exclusive right to navigate the river Panuco; a *third*, the exclusive right so to navigate the river Muscala or Zacatula; a *fourth*, the exclusive right of connecting Vera Cruz by railway with the city of Mexico; connected with a fifth, an *averia* or assessment upon the customs of the port of Vera Cruz. I am informed that the products of that *averia* have exceeded $1,000,000. With that vast sum of money a railroad has been made from Vera Cruz towards the capital of Mexico to the length of thirteen miles and no more, within a period of ten years.

It was on the 1st of March, 1842, that Don José Garay approached the Dictator with a precious offering of the incense of flattery. He reminded Santa Anna that he had caused the Mexican people to look to his administration as one of a new and gigantic advancement in the career of national aggrandizement. He suggested to him that the great project with which the world had been engaged for near three centuries, of opening an interoceanic communication across the continent, was yet to be undertaken, and declaring that the mind was bewildered with the difficulty of embracing in one comprehensive view the astonishing consequences that must follow so great an achievement, he concluded that a great revolution would take place in the commercial, and even in the political affairs of all nations when it should be effected; and that the epoch which should see it effected would be more memorable than that of the discovery of the continent, and the name of him under whose auspices it should be consummated, would be at least as glorious as that of Columbus. And then Don José Garay proposed, of course, that he should be authorized to undertake this grand work. The execution of the work was committed by Santa Anna to his favorite, with vast concessions of land and privileges, by a contract made under the decree of the date which I have mentioned. It is claimed by the Committee on Foreign Relations that that contract, after having passed through the hands of intermediate British assignees, has come now to be vested in the hands of American citizens, and that it is still in force; while the Mexican Government refuses to allow it to be executed by them. The assignees have appealed to this Government to put forth its power to enforce upon the Mexican Government the duty of carrying it into effect. The committee, in this view of the case, have submitted the resolutions which have been read.

My first remark upon these resolutions is, that the responsibility of adopting them is a very great one. They are somewhat vague in their language. But inasmuch as they pronounce that there shall be an end to pacific negotiations, except upon a condition which it is not expected Mexico will assent to, a review of existing relations in the event of her expected refusal, and finally that such measures shall be adopted as the dignity of the country and the interests of our citizens shall require, they look towards, although they do not distinctly point at, some measure of hostility, of reprisal, or of war. It seems to me that the Senate is not now in a proper condition to assume that responsibility. One third of this body will go out in less than thirty days from this time, and their places will be filled by those who are not now here. A resolution adopted when the Senate is changing, may convey advice which will not remain the opinion of the Senate through the next Congress. Again: the President of the United States is a coordinate power with the Senate in the conduct of foreign relations. He has the responsibility divided with us; and we are not now in a condition to have the benefit of his advice, and to give to the country the benefit of his share of the responsibility which is to be assumed; for the present President will go out in less than thirty days, and

within that time a new one will come in, whose opinions are quite unknown.

It would be discourteous to the incoming Chief Magistrate, under such circumstances, to conclude ourselves by an action like this. This discourtesy by itself would be a matter of small moment; but in all national transactions, discourtesy between coördinate branches of the Government is liable to result in permanent differences of opinion, in controversies; and by such controversies in this case, we should embarrass the incoming Administration. It is quite apparent that the probability of adopting any right and effective measure would be diminished by a disagreement between the President and the Senate. These objections would seem to me to be conclusive for the postponement of these questions, unless those who press their consideration now can guarantee that the course which hey recommend will receive the approbation of the incoming President. If they are able to give is such a guarantee, and will produce the evidence of it, this objection will be removed.

But, Mr. President, if it be the pleasure of the Senate to proceed in the consideration of these questions, then I have to examine their merits as briefly as I can. In the first place, I ask the Senate to take notice that all these resolutions assume —but I admit not without a fair show of argument —first, that the American assignees of Don José Garay have a complete, perfect, and absolute title to the right to open a communication across the Isthmus of Tehuantepec; and secondly, that Mexico unreasonably and unjustly refuses to permit them to do so according to the terms of the grant which they exhibit.

My first answer to these assumptions is, that the contract under which this title is claimed, and upon which it is founded, expired by its own limitation eighteen months after the grant was made. The Senate will please take notice that this grant was made by General Santa Anna on the first day of March, 1842; that the surveys were to be made by Garay within eighteen months; and that the work was to be actually commenced within twenty-eight months, which would expire on the first day of September, 1844. So the period of limitation has arrived and passed, it being admitted on all hands that that limitation was the condition of the grant. The contract then is void, unless it has been shown by the Committee on Foreign Relations that it has been since renewed or extended. The committee say it has been extended; and they produce a decree of General Santa Anna of the 28th December, 1843, by which it was extended to the first of July, 1845. Well, the extension is at an end, for that day also has passed. So the contract has then ceased, unless it has been still further extended. The committee say that it has been further extended by a decree of Salas, the Provisional President of Mexico, dated fifth November, 1846, by which the time for commencing the work was prolonged to the fifth November, 1848, within which time the committee say the title vested in the American assignees, and the work was actually commenced. Now, it will be seen, in the first place, that the commencement of the work before the fifth of November, 1848, was indispensable to the continuance of the contract, even on the assumption of the committee. The committee say that the work was begun within that time. I have not been able to find proof that it was begun in the papers which have been sent to us by the President. Indeed I think it quite clear, from all the papers submitted to us, that even the preliminary surveys which were to be made within a period of eighteen months from the date of the grant, were never actually made; but however this may be, on the 22d of May, 1851, near three years after the decree of Salas prolonging the contract, the Constitutional Congress of Mexico enacted a decree in these words:

"The decree of November 5, 1846, [the decree of extension by Salas,] is declared null and void, because the powers with which the Provisional Government of that period was invested were insufficient to authorize it. Accordingly the Government will see that this declaration is rendered in every respect effective in regard to the privilege granted to Don José de Garay."

Here, then, is a grant made on the 1st day of March, 1842, by the Provisional President of Mexico, and here is a law of the Congress of Mexico, passed on the 22d of May, 1851, abrogating the grant. The grant, then, has been abrogated and is void, unless the contrary can be shown. The Committee on Foreign Relations have undertaken to show the contrary; and they took three positions. First, that the Congress of Mexico had no power to repeal the decree of Salas. Second, that Salas was the Government *de facto* of Mexico, and that his acts, as such, bound that nation, especially when an interest had become vested in a foreigner. The third is, that Mexico has, since the decree of Salas, recognized the existence and the validity of the grant, notwithstanding the Congressional decree of repeal. I shall briefly notice these replies in their order. The first position of the committee is, that the Congress of Mexico had no power to repeal the decree of Salas. By the Constitution of Mexico, the Federal Constitution of 1824, if in force at the time, not only had Congress power to repeal the grant, but no power but Congress had authority to make any such grant. I refer the Senate to the fifth section of the Constitution of Mexico, which Constitution is here:

"SEC. 5., *art.* 47. Every resolution of Congress shall have the character of a law or decree."

"*Art.* 49. The laws and decrees shall be for supporting the National independence; the union of the States, and peace and order; to maintain the independence of the States; to secure an equal proportionment in the assessment of taxes.

"*Art.* 50. The exclusive powers of Congress shall be the following:" * * * * * * *

"*Part* 2d. To augment the general prosperity, by decreeing the opening of roads and canals, and their improvement, without preventing the States from opening or improving their own; establishing posts and mails; and securing for a limited time to inventors, improvers, or those who introduce any branch of industry, exclusive rights to their respective inventions, improvements, or introductions."

This is the Constitution of Mexico, and the Executive power to make such a grant upon the Isthmus of Tehuantepec was reposed in Congress, and was never in the President, according to that Constitution. But what is more, the power of *Congress* was limited. Congress, while it had an exclusive power to make canals and railroads without interfering with the States, had no power to open the Isthmus so as to interfere with the rights of the States of Vera Cruz and Oaxaca which occupied it. The provisional President, Santa Anna, who had come into power in an interregnum of the Constitution of 1824, under certain conventions called the conventions of Estanzuela, and certain bases, called the bases of Tacubaya, modified and adopted by those conventions, had in 1842 given to his favorite a grant, which, for want of compliance by the grantee with its conditions, had expired and was void.

In 1846, the Government established by Paredes, and administered by Bravo, was in power. A revolutionary movement, distinguished as the Revolution of the Citadel, deposed Bravo and recalled Santa Anna, then in exile, and *ad interim* advanced Salas, a brigadier general, to the Supreme Executive power. He came into that office on the fourth of August, 1846, and limited his own powers by the terms of the plan of the Citadel, and proclaimed the reëstablishment of the Constitution of 1824. Here is the decree of Salas, which I have translated and copied from the book of the decrees of the Mexican Republic, which lies before me:

"*Ministry of Foreign Relations of Government and Police.*

"His Excellency the Señor General in Chief in the exercise of the supreme Executive power, has directed to me the following decree:

"José Mariano de Salas, General of Brigade and Chief of the Liberating Republican Army, in the exercise of the Supreme Executive power, to all whom these presents may come: Know ye, that in consideration of the state in which the Republic is now found, he has been moved to decree the following:

"*Art.* 1. Until the new Constitution is published, that of 1824 shall govern in all that is not in conflict with the execution of the plan proclaimed in the citadel of this capital on the 4th of the present month, and that the present state of affairs of the Republic will permit."

Thus Salas was in power, acknowledging the Constitution of 1824, and self-bound to support it, when, on the 5th of November, 1846, he made a decree, extending an already expired grant, which was equivalent to making the grant itself, which grant was in direct conflict with the Constitution. He exercised no absolute power, but a qualified dictatorial power, which was limited by the Constitution and by the bases of what was called the Act of the Citadel.

We have, then, the decree of Salas, Provisional President, extending this contract for two years; and we have, in the first place, the Constitution of Mexico declaring it void. Here is one ground upon which the Constitutional Congress, on the 22d of May, 1851, abrogated the decree of Salas.

It is now necessary to go back in the history, to bring into review another ground. Santa Anna, in 1842, was President under the bases of Tacubaya, and the conventions of Estanzuela. By the sixth basis of Tacubaya, all the decrees to be made by the President were directed to be submitted to the first Congress, (a central Constitutional Congress,) that they might be approved or rescinded. The grant to Garay was made of course subject to that basis. So also was the other extension which was made previously to the one granted by Salas, in his decree of the 5th of November, 1846. Santa Anna never submitted the decree of March 1st, 1842, (by which the original grant was made,) to Congress, and so that grant was held for that reason to be void by the Congress, which abrogated it on the 22d of May, 1851.

It will be said that Santa Anna had abrogated that sixth basis of Tacubaya. The facts are, that on the 3d of October, 1843, Santa Anna issued a decree to the effect that the responsibility of the acts of the Provisional Executive to Congress, created by the bases of Tacubaya, and the conventions of Estanzuela, *was merely a responsibility of opinion, that none of his acts could be annulled*—and that the contracts entered into by the Provisional Executive were inviolate.

It will be seen that even this decree recognizes the bases of Tacubaya, because it treats of the responsibility of the Executive, which was established by the bases of Tacubaya. Then this decree of Santa Anna was not a subversion of the Central Constitution and sixth basis of Tacubaya, but only a palpable perversion of them, for the purpose of increasing his own administrative power. Did that stand? Was that left the law of Mexico? No. On the first day of April, 1845, the first central constitutional Congress of Mexico was in session; and this decree of Santa Anna, absolving the Executive from responsibility to Congress, came under review, and they on that day adopted an act revising and abrogating this decree of Santa Anna, and declared that his responsibility was a direct one; that no act of the Executive was valid unless it was submitted to Congress; and that no act was valid that was submitted to them and rejected, or not approved by them. So, then, the central Constitution was in force on the first of April, 1845, and the Executive power was limited to the making of contracts, subject to approval by Congress; and the original grant to Garay was, by virtue of the bases of Tacubaya and this Constitution, rendered void, by reason that it was not submitted to Congress and approved by them.

I am aware that this examination has led us through a tempestuous season, in which civil government was often overborne in that unhappy fraternal Republic. But I have shown, that during the time of the extension of this grant by Salas, the legislative power was in force, and that in that respect the Constitution was in absolute effect. I ask the Senate now to consider two propositions. First, that every citizen and every foreigner knew, or ought to have known, of the limitations of this grant when taking an assignment of it, and that he knew he took it at whatever hazards attached to it by virtue of the Constitution and the reserved power of Congress; and the second, that the constitutional Government of the United States, and especially the Senate of the United States, is bound to make, and will make, every fair and just and liberal intendment in favor of the wounded constitution of a people, who have struggled with so much fidelity, and so much energy, through seasons of anarchy at home and of aggression by a foreign Power, to preserve a Constitution modeled and copied after our own. It is not here that I expect to see intendments prevail in favor of dictators and usurpers even in Mexico.

The honorable and distinguished chairman of the Committee on Foreign Relations [Mr. MASON] has already furnished his replies to this argument. First, he says that the Constitution of 1824 contained a provision that the Congress should have no power to pass an *ex post facto* law, and

that Congress should have no power to pass a law impairing the obligations of contracts. I rejoin: A law of Congress refusing consent, which it was stipulated that Congress might give or refuse, is not an *ex post facto* law. A contract which by its terms is not valid if Congress shall disapprove, is not impaired by the decree of Congress refusing to approve it. Secondly, the chairman replies that Salas, nevertheless, was the Government *de facto* of Mexico, and that his acts bound the Republic of Mexico, especially where foreigners had obtained an interest. I rejoin, with great respect, that Salas was not an absolute President, nor even a President at all; but he was *de facto* the head of the Government, subject to the Constitution of 1824. He obtained power, I confess, irregularly; but he exercised it under the Constitution, and was thus a limited and constitutional Executive.

But the Committee on Foreign Relations make a still further reply, which is, that the Mexican Government has, since the 6th of November, 1846, the date of Salas's decree, recognized the existence of this grant, and the validity of its assignment to the American claimants. I shall examine with great deference the evidence which they give of this recognition. The committee rest their assumption, first, upon the fact that in 1846 and 1847, the assignment of the grant to Manning & Mackintosh was duly notified to the Government of Mexico, and on their complaint President Herrera issued orders to the governors of Oaxaca and Vera Cruz to prevent the cutting of mahogany on the granted lands by any others than those acting under their authority. I rejoin: The notice given by Manning & Mackintosh to the Government of Mexico, and relied upon by the Committee on Foreign Relations, is not produced. It is not here. No assignment has been produced except that made on the 26th of July, 1847, which was an assignment by Garay to the British proprietors, Manning & Mackintosh, and Snyder & Co., and which notice was given to the Mexican Government after the decree of Salas, and was an assignment expressly limited to the lands ceded by the grant of Santa Anna, and it excluded the privilege of opening the Isthmus of Tehuantepec. I rejoin, secondly: The assignment was made under the conditions annexed to the grant of Salas; and the assignees took the benefit of the acceptance of the notice with an express acknowledgment that the right to open the Isthmus of Tehuantepec remained in Garay, and had not been at all ceded to the assignees; and consequently, whoever held it after that period held it subject to the condition prescribed in the decree of Salas—that foreigners taking the benefit of the assignment, should be denationalized.

But what was the effect of these orders of Herrera, the President of Mexico, to the Governors of Oaxaca and Vera Cruz? They were orders to prevent depredations and trespasses on those lands by anybody except those who claimed to have obtained them under the grant ceding the lands to Garay; but it appears that the Government of Mexico at that time understood that those claimants did not claim the right to open the Isthmus, and only asked protection for the enjoyment of their lands. That protection and enjoyment of their lands has never been denied by Mexico. But even if this were not conclusive, there is another point. If the President of Mexico could not make such a grant, he had no power to make an admission, the effect of which would be to establish the grant. If the President of the United States should admit that half the State of Maine, or any part of it belonged to Great Britain, that admission would not affect the boundary line of Maine in the least.

The committee rest their assumption, secondly, upon the fact that—

"In 1847, whilst the treaty of peace was under negotiation, Mr. Trist, the Commissioner on the part of the United States, by instruction from his Government, proposed a large money consideration to Mexico for a right of way across the Isthmus of Tehuantepec, and was answered 'that Mexico could not treat on this subject, because she 'had, several years before, made a grant to one of her own 'citizens, who had transferred his right, by authorization of 'the Mexican Government, to English subjects, of whose 'rights Mexico could not dispose.'"

On this point the Mexican Government explains, that the grant to which their Commissioner alluded in making this reply was the grant of Garay, and the assignment to Manning, Mackintosh & Snyder, of which the Mexican Government then had notice; which assignment, as I have before shown, was an assignment of *the lands conceded with the right*, and not of the right to open the Isthmus of Tehuantepec, which last-mentioned right, according to the notice which had been served upon them, expressly remained in Garay. This is a sufficient answer until the committee can show that the Mexican Government knew that some other assignment had before that time been made conveying the privilege, and that notice of that assignment had been received by the Mexican Government. But suppose the Mexican Commissioner did make a statement which was unintentionally, or even intentionally erroneous in point of fact, would that statement divest Mexico of her right? The law of *estoppel* which prevails between individuals in conducting their own affairs has never been, and never can be, applied to the intercourse between nations who are passive, and whose communications with each other are always carried on by agents possessing such measure of capacity and of virtue as they may happen to obtain.

The committee rest their assumption, thirdly, upon the facts as stated by them, that—

"After the assignment of the grant to the present American holders, the Minister of the United States in Mexico was instructed by his Government to apprise that of Mexico of the desire of this company to commence their work by a thorough survey of the Isthmus; and the Minister was further instructed to make overtures for a treaty securing to the enterprise the joint protection of the two Governments. The Mexican Government, as we learn from the correspondence of Mr. Letcher with the Mexican Minister of Foreign Relations, 'made not the slightest opposition in 'forwarding passports, and issued orders to the departments 'of Oaxaca and Vera Cruz, not only to avoid interposing 'any obstacles in their way, but, on the contrary, to afford 'them aid and hospitality.' 'The engineers,' Mr. Letcher adds, 'were accordingly sent, the ports thrown open for 'their supplies, and more than $100,000 have been expended 'in surveys, opening roads, &c., besides a large sum of 'money in furnishing materials,'" &c.

Will the Senate look into these papers? They will find that although we have the letter of John M. Clayton, Secretary of State, of the date of February 20th, 1850, to Mr. Letcher, our Minister in Mexico, informing him that Mr. Hargous had notified the Department that he was the representative of the claim in this country, and had employed engineers whom he wished to send to Mexico for the purpose of making surveys, and requesting Mr. Clayton to give such instructions, yet we have not the letter written by Mr. Letcher to the Mexican Government asking for the passports and instructions; and so we have no evidence whatever of what communication was made, and upon what communication by Mr. Letcher to the Mexican Government it was that the passports and the orders to the Governors of Oaxaca and Vera Cruz were given. Without this knowledge, unless the passports which were obtained, and the orders which were issued, recognized the validity of the grant, the transaction implied no recognition of a right. I will not trespass upon the Senate by reading these Spanish passports. They are like all other passports, mere printed circular letters of protection, given by a Mexican consul at New Orleans to foreigners traveling into Mexico. They are such as any American citizen, whether engineer, or any other belonging to New Orleans or to New York, obtains from his own Government whenever he sees fit to go abroad.

Here is the letter of the Mexican Minister of Foreign Affairs to Mr. Letcher, which accompanied a copy of the orders issued to the Governors:

MINISTRY OF FOREIGN AFFAIRS,
MEXICO, *April* 5, 1850.

ESTEEMED SIR: I have the honor to inclose to you a copy of the order of this day, directed to his Excellency the Governor of Oaxaca, for the object which it expresses; another copy of the same will be sent to the commandant general of the said State.

I hasten to give information of the same; repeating myself your attentive servant, who kisses your hand,

J. M. LACUNZA.

His Excellency R. P. LETCHER, &c., &c.

And here are the orders themselves:

Mr. Lacunza to the Governor of Oaxaca.

MEXICO, *April* 5, 1850.

MOST EXCELLENT SIR: Several American engineers having been appointed for the purpose of examining the possibility of opening the communication between the two seas, by way of the Isthmus of Tehuantepec; and desirous as is his Excellency the President, during their travels in your State, that they should meet with no embarrassments, but on the contrary, be treated with all hospitality, he has been pleased to direct that his wishes should be communicated to you, as I now have the honor to do, officially; repeating, at the same time, the assurances of my esteem.

God and liberty!

LACUNZA.

His Excellency the GOVERNOR OF THE STATE OF OAXACA.

There is nothing in the letter, nor in the orders, which recognizes the validity of the Garay grant, or of any title of any assignees under it. It is utterly preposterous to ground upon this act of courtesy and hospitality by the Mexican Minister of Foreign Affairs, a recognition of the validity of the grant to Garay, or the assignments to those who claim under him.

The committee rest their assumption, fourthly, upon the facts stated by them, as follows:

"This is not all: the Government of Mexico at once assented to enter into negotiations for the proposed treaty; and a convention for the joint protection of the work thus to be executed by American citizens, as assignees of the Garay grant, was concluded at Mexico, in June, 1850, and sent to the United States. To this convention certain modifications being suggested by the Secretary of State, at Washington, it was returned to our Minister in Mexico, and the whole terminated by a new convention, signed at Mexico, on the 25th of January, 1851, with the approval of President Herrera. This last convention was ratified by the Senate of the United States, and returned to Mexico, and finally rejected by the Mexican Congress, in April, 1852."

The committee do not mean to be understood—it would be discourtesy to them, it would be unfair to suppose they meant to be understood—that the facts that the President of Mexico signed one treaty, which was sent to the United States and rejected by them, and then signed another and sent it to the United States, and it was accepted by them and returned to Mexico and rejected by the Mexican Congress, which had power to reject it, constituted a recognition of any fact recited in either of those incomplete treaties. That would be to draw the recognition of the validity of a claim from an attempt to negotiate a settlement of it. All pretense that Mexico has in any way compromised herself by this negotiation will disappear from the case when I shall show the history of them. The first treaty was made during the time of that good, just, and true old man, Zachary Taylor, and in the time of the administration of the State Department by that distinguished and accomplished diplomatist and just negotiator, John M. Clayton. Here is the first article of the first draft of the treaty which was sent to Mexico:

"ARTICLE 1. Individuals upon whom the Mexican Government may *have bestowed* or *may bestow* the privilege of constructing a road, railroad, or canal across the Isthmus of Tehuantepec, and those employed by them, shall be protected in their rights of person and property from the inception to the completion of the work."

Not only is there no recognition of the American assignees of the Garay grant, and no recognition of that grant itself in this article, but there is a careful exclusion of any such statement.

Here is the fifth article of that treaty of Mr. Clayton's:

"ART. 5. In any difference which may arise between the *undertakers, either the present or the future*, of the work, which may involve the loss of the right to the privilege, the complaining party shall draw up a statement of its pretensions and motives, and a similar statement shall be drawn up by the other party, and both statements shall be submitted to two arbiters who hold no diplomatic appointment or commission, and who reside in the Mexican territory. One of these arbiters shall be appointed by the holders of the privilege and the other by the Government of Mexico; and these two, in case of disagreement, shall appoint a third, with the qualifications above required, and from the decision of these arbiters there shall be no appeal or recourse whatsoever. Of all other questions which may arise the Mexican tribunals shall take cognizance."

But then came into power the successors of General Taylor and Mr. Clayton; and then also reappeared Mr. Peter A. Hargous, a merchant, claiming to be the representative of this grant; and then it began to appear that there was a speculation behind this great enterprise, more important to the Government of the United States, and more objectionable to the Government of Mexico, than the enterprise itself. Here is precious evidence of it: On the 26th day of August, 1850, Peter A. Hargous wrote a letter to the Secretary of State, in which, after reviewing the treaty of Mr. Clayton, which had then been remitted by Mexico duly signed by the Ministers of the two Governments, he said, (referring to Mr. Letcher:)

"I trust, therefore, that you will pardon me for suggesting that it might be advisable, that he should be officially informed of the movements above adverted to, and in-

structed to lose no time which can be saved, in bringing his negotiation to a speedy and satisfactory close."

Mr. Webster complied with this request of Mr. Hargous, and made a new draft of a convention, carefully recognizing the Garay grant. Here is the first article of it:

"Art. 1. The person to whom the Government of Mexico may have granted, or may in future grant the privileges for constructing a road, railroad, or canal, across the Isthmus of Tehuantepec, pursuant to the decrees of that Government of the 1st of March, 1842, 9th of February, 4th of October, and 29th of December, 1843, and 5th of November, 1846; all those employed in the works of construction, and all others who may reside on the territory within the limits defined by the grant according to the terms of the grant itself, shall be protected in their persons and property from the commencement of the work until its completion, and during the period for which the privileges are granted."

The decrees here recited are those which conveyed the grant to Garay. So Mr. Webster rejected the treaty drawn by Mr. Clayton, sent to Mexico and accepted there, which did not recognize the Garay grant, and sent back a treaty which did, in express words, recognize it, and he instructed Mr. Letcher to try to get this treaty adopted by Mexico. On the 22d of October, 1850, Mr. Letcher reported his ill-success in these words:

"I submitted to the notice of the Minister of Foreign Relations the several alterations you desired to make to the Tehuantepec treaty, expressing at the same time the confident hope that his Excellency would find no difficulty in readily yielding his assent to each and all of them. In reply to this observation he remarked, his Government had been most severely and shamefully censured for agreeing to the treaty *as it now stands*; that he was sorry to say it was quite unpopular in his country; that he himself had been denounced as a vile traitor for the part he had taken in it; still he was resolutely determined, he said, fearless of all consequences, to do any and everything he could to carry out in good faith, a measure of so much importance to the two Republics."

* * * * * * *

"A further discussion of an hour ensued. He adhered most obstinately and fiercely to his objections. Whereupon I took the liberty to tell him, in very plain language, I was not at all satisfied with his opinions, or with his reasons; and therefore requested to be heard before the President and his Cabinet upon the points in dispute."

Sir, I should like to see what answer the minister of any Power on earth would receive who should come to the Secretary of State of this nation, and tell him that he was not at all satisfied with his reasons, and his opinions, and demand a hearing before the President and Cabinet! What is just and right for one Power, is just and right for another. If we exact justice or courtesy from the strong, we should concede it to the weak. Mr. Letcher obtained his hearing before the President, as will be seen from his report in these words:

"To this he cheerfully agreed; and the next day at 11 o'clock was the time fixed upon for this meeting by the *permission* of the President. At the appointed moment, I found the President and his Cabinet all in attendance. They gave me a cordial reception, and the most attentive and respectful hearing imaginable, for an hour and a half; and upon taking leave, I was assured, in the kindest manner, I should have everything I desired that they could possibly give me."

* * * * * * * *

"The chief arguments urged against the amendments in question appear to be these:

"1. That they infringe upon the sovereignty, the honor, the dignity, and national pride of Mexico.

"2. To adopt them would be at once to paralyze, to disgrace, and in short to overthrow the present administration.

"3. That a treaty with such provisions would be rejected by the Mexican Congress (probably) without a single dissenting voice, and therefore would be of no use to the United States, whilst at the same time it would be the ruin of the party in power."

Mr. Letcher then appears to have tried what virtue there was in threats. Here they are:

"Since the final decision was had, the President and every member of his Cabinet, have manifested the deepest concern lest you should be displeased at the result. General Arista, who is the master-spirit of the Government, is exceedingly uneasy. Every day or two a message is sent by some of the members of the Cabinet expressing regrets and hoping I am not dissatisfied. The only answer I have made is, Mexico has committed a great error.

"It may also be proper to add, during the various discussions which took place in relation to the points in dispute, I availed myself of a suitable occasion to say, in the event Mexico refused to enter into a fair treaty for the protection of the enterprise, my Government, in justice to her own citizens, who had made large investments in the undertaking, was determined to take the affair into her own hands."

Now, let us hear the answer of this exotic and wind-shaken branch of the ancient and chivalrous family, which, on its native peninsula, once gave laws to both hemispheres. Here it is; and it will remain imperishable as the answer of an oppressed, but high-minded, and generous people:

"Your Government is strong; ours is weak. You have the power to take the whole or any portion of our territory you may think fit; we have not the *faculty* to resist. We have done all we could do to satisfy your country, and to gratify you personally. We can do no more." * * *

"What is required of us we cannot grant. If Mr. Webster knew our exact condition, if he knew the precarious tenure by which we hold power, the violence and strength of the opposition, the refractory spirit of the States, and the peculiar prejudices of our people, *surely* he would not exact such terms."

But Mr. Webster did exact. Castilian pride gave way. Arista and his ministers succumbed, and the Tehuantepec treaty, with its odious recitals, was signed. And now for the result. Hear the report of the Minister, Mr. Letcher:

"Legation of the United States of America,
Mexico, *April* 8, 1851.

"Sir: The Tehuantepec treaty, I regret to say, was rejected last night by the Chamber of Deputies, a bare quorum being present, in a few minutes *after it was submitted by the Government for consideration, by a vote of seventy-one to one.* The result, so far from being a matter of surprise to me or to any one else in this country, was most confidently anticipated. The few Deputies who were favorably disposed towards the measure, knowing perfectly well that they would be instantly denounced as traitors to their country in case they voted for it, deemed it expedient to absent themselves from the Chamber when the vote was taken.

"Such was the intemperate and uncompromising hostility to the Garay grant, that no Mexican in or out of the Chamber, not even those who held a direct interest in it, dared to whisper a single word in its support. In fact, the *Deputy who voted for the ratification declared his judgment was opposed to it in every particular, but fearing its rejection might occasion another war between the two countries, he felt compelled to vote for it.*

"It is altogether impossible to make a treaty having the least connection with the Garay grant."

That is Mr. Letcher's report. And now I ask my honorable friend from Virginia where it is in these negotiations that he finds that Mexico recognized the validity of the Garay grant?

I have no hostility to the Garay grant, or to its assignees, or to their enterprise. I therefore shall hold my own mind in reserve to form a favorable judgment upon them in future, instead of endeavoring to bring other Senators to the conclusion that the grant is invalid, or that the assignment is unavailing; and I will now present the deductions I make from the case, which I have thus traced out by history and argument, in a negative form, to wit: First, that the Committee on Foreign Relations do not show that the American assignees have an existing title to the right to open the Isthmus of Tehuantepec; and, secondly, that they do not show that the validity of the grant has been recognized by Mexico since its abrogation by the Mexican Congress.

Here I might leave the question; but in that case I should leave undone what it is the duty of some Senator to do—exhaust the subject and present fully the grounds of the votes which must be given against the resolutions before the Senate.

You will perceive that hitherto I have assumed, in this argument, two things: first, that the grant to Garay was assignable; and secondly, that an assignment was made by Garay which has come to be vested in the hands of American citizens. Proceeding upon these assumptions, I ask you to take notice of another important point in the case. It is indisputable that whatever conditions Salas attached to his decree, entered into the assignments when made. Let me show you the conditions imposed by Salas:

"Art. 13. It shall be an express condition in all contracts with colonists, that they shall renounce the privileges of their original domicil so long as they reside in the country, subjecting themselves to all the existing colonial regulations which are not in conflict with the present law.

"Art. 14. The enterprise shall submit for the approval of Government all contracts which it shall make for the introduction of families and laborers, and it shall keep a public and authentic register of all its transactions in respect to all matters of colonization."

I have translated these conditions from the record of the decree which is before me. Let me show what was the contemporaneous exposition of them given by Salas, and which accompanied the approval of the assignment. Here it is:

"*According to the spirit of the aforesaid law, this renunciation must take place in the most positive and conclusive manner on the part of the settlers, so that, whatever circumstances may happen, and whatever measures these may require, neither the settlers aforesaid nor the proprietors may not, in any case, nor for any cause, plead alien privileges, nor any other privileges except those which have been granted, or may be granted, to them by the laws of the country to which both their persons and their property must be subjected; and without this requisite they will not be admitted.*"

Here are American citizens claiming the extension of this grant by an assignment which was made upon the express and published condition of an absolute denationalization; and yet we are interposing in their behalf upon the ground of the very privileges of alienship, which they renounced to acquire the rights, and we are claiming rights for those who, if they have an assignment, are held by it to have renounced altogether their citizenship of the United States. We are required to make reprisals or war against Mexico for violating their rights under that very contract. Let us see how, in point of fact, the assignees stand in regard to this assignment. You will take notice that no assignment was ever publicly known, or communicated to the Mexican Government before the decree of Salas extending the grant; but after the decrees of Salas, Garay made known to the Mexican Government that before the decree he had made an assignment to Manning & McIntosh, and Snyder & Co. They have never produced that previous assignment to this day. It is not among the papers before us. Whether such a one was ever made, and whether it was fraudulent, whether it contained what they said of it, or not, there is no evidence; but the only evidence they have is a title by an assignment subsequent reciting that they had a transfer made before the decree. Here is the notice which Garay gave to the Mexican Government of the assignment which he had made to those parties:

"With these views, (those concerning colonization,) I succeeded in concluding a contract with the house of Messrs. Manning & McIntosh and Snyder, & Co., *independent of that for constructing a way of communication between the two seas*, by which (contract) those gentlemen are to introduce settlers on the lands."

The fifth article in that very deed of assignment recited that Garay did not convey to them, but actually reserved to himself, the right to open the Isthmus, in these words:

"*That by this transfer on the part of the covenanter, Don José Garay, it is not to be understood that he confers upon Messrs. Manning & McIntosh and upon Snyder & Co. any right whatever to carry* on navigation from one sea to the other;"

And then grants them the navigation of the little river on this side of the Isthmus, (Coatzacoalcos,) so far as may be necessary to the enjoyment of their lands; and then adds, as a further and superlative precaution, an additional reservation of non-interference with his privilege of interoceanic communication. On the 13th of January, 1849, to wit: two months after the expiration of the two years of extension allowed by the decree of Salas, Manning & McIntosh announced to the Mexican Government, "*that Don José Garay had transferred to their house the privilege of constructing a way of communication between the two seas by the way of the Isthmus of Tehuantepec.*" *On receiving this note, the Mexican Government acted decidedly and promptly, reminding the assignees that that part of the grant was untransferable, and also that the whole grant was extinct; the last extension granted by Salas, like all the preceding ones, having expired without commencing the work.*

It remains on this point only to say, that whatever title any American citizens may have, they have only the same title which Manning & McIntosh and Snyder & Co. had, with all its imperfections on its head.

I shall omit the question whether the original grant of Santa Anna to his favorite Don José Garay, of the privilege of opening the Isthmus, was assignable. The Mexican Government say that it was not; that Garay was intrusted to execute a great national work as a mere agent. If such a question as that should arise in the United States, what should we say? The President of the United States every day issues commissions to individuals to perform certain duties. Congress every day pass laws authorizing individuals to build custom-houses, &c. I would like to know who there is in Congress, or out of it, that would admit that an administrative officer, or an architect upon a public building, has a contract which he can assign to a foreigner, and thereby convey to a foreign Power the right to tell us that we must execute the contract with its subjects.

Mr. DOWNS. I would ask the Senator to state, if this contract be not assignable, why it was that the Mexican Government declared to Mr. Trist that it was assignable, and that it had been assigned? Is not the Mexican Government as

competent to decide that question as the Senate of the United States?

Mr. SEWARD. If my honorable and very esteemed friend from Louisiana, who argued this case with great ability the other day, had not had his attention diverted, he would have seen that I have already anticipated the question which he has propounded to me. I threw out this view of the subject to show that what Mexico insists upon has at least the merit of plausibility. I ask only that it be so considered. It is enough for my purpose that according to the view which I have taken, the committee have not shown the validity of the assignment, and the validity of the title of the claimants.

I ask you now to consider what are the unreasonable demands which Mexico makes, and which it is supposed that we cannot allow; and I shall take that in the words of the honorable chairman of the Committee on Foreign Relations, [Mr. MASON:]

"In all the propositions which have since emanated from the Mexican Government, in their proposals inviting new companies to construct this work, they have imposed limitations and restrictions which must discourage all from attempting it, or which would have the effect, if complied with, of leaving that work exclusively in the charge of the Mexican Government. The propositions are of this character: the contractors are required, in the first place, to acknowledge the unqualified sovereignty of Mexico over the transit, and her right to impose any political charges whatever upon persons or property passing over it. They are required to acknowledge a concurrent right in the Government of Mexico to fix the corporate charges. They are required to agree to place their mail steamers under the national flag of Mexico, and all their vessels are to be subject to tonnage and lighterage duties. They are required to agree to transport no troops or munitions of war across the Isthmus, except with the express permission of Mexico. They are required to discriminate in favor of such nations as shall guaranty this monopoly, by deducting twenty-five per cent. from the corporate charges in their favor; they are required to transfer the work at cost to Mexico, and, more than all, those who are there constructing this work are required to renounce their right to the protection of their own Governments, and become *de facto* Mexican citizens."

Now, sir, you see what the whole difficulty is; that what is claimed for these American proprietors is that they shall not be obliged to denationalize themselves, but that Mexico shall be obliged to denationalize herself; that the Congress of the United States, or the citizens of the United States, shall have control over the commerce of the Isthmus in all the particulars which have been read from the speech of the honorable Senator. Now, consider the condition of the United States, which I will not portray; consider the present condition of Mexico, which I need not describe; consider the character of the population of the United States and of Mexico, which I need not illustrate; consider the extent of the franchises thus insisted upon, and tell me what result can happen to Mexico, by her conceding what is demanded of her, short of a dismemberment, sooner or later, of the Mexican nation, a dissolution of the Federal Union of the States, and the extinction of the Republic of Mexico, even if, while we are here, that extinction has not already come about. Sir, in that case Mexico will not be a self-sustaining Power. She must be sustained by somebody. Except the United States, there is no American power that can guaranty the maintenance of a Government in Mexico. The United States will not consent that any European Power shall guaranty the preservation of a Government there. The Monroe doctrine, and the traditions cherished by us, prohibit that. What then? As a consequence of making these concessions, Mexico must fall into the United States.

Mr. President, I began this examination, if not in favor of the propositions of the committee, at least favorable to a result which would enable me to support these claimants. The result is not satisfactory. I am obliged, therefore, to say that I cannot vote to sustain the resolutions. I will now briefly review the points made by the committee, in my own order. And first, this point is made by the committee:

"That the United States stands committed to all of its citizens, to protect them in all their rights abroad as well as at home, within the sphere of its jurisdiction."

I hope the Senate has considered the length and the breadth of this proposition. I am obliged to ask some modification of it. I am glad to know that I have the support of Mr. Hargous, who has charge of this claim, and also of the late distinguished Secretary of State. What is the opinion of the New Orleans company upon that subject? Mr. Hargous tells us, in his letter to the late Secretary of State, Mr. Webster, when invoking the intervention of the Government:

"They are aware that in ordinary cases it is not the practice of the United States Government officially to interfere in behalf of citizens of the United States, who may complain of the violation of a contract which they may have entered into with a foreign Government; but inasmuch as all general rules have their exceptions, and as the interest of the American Government and public, and especially those of the citizens of the West and Southwest, are largely involved in the success of the Tehuantepec enterprise, they flatter themselves that in any just complaint they may have cause to prefer against the Mexican Government, they shall receive the hearty protection of their own.

"Your answer upon this point especially is respectfully solicited, and will be anxiously awaited."

Here are these proprietors telling the Government of the United States that they know that what they ask for is an *exception* to the law of nations, as practiced by this Government. There is the honorable Committee on Foreign Relations telling us that the rule is universal. I shall subscribe to this rule with some qualifications, which I will submit to the consideration of the Senate. The first qualification is, that the rights of a citizen, which the Government is bound to protect, are just rights—not unjust ones; that they are not unjust, unconscientious, or immoral rights.

Mr. MASON. What is an unjust right?

Mr. SEWARD. I say just rights in distinction from legal rights. According to the honorable Senator's notions and mine, there are things that are right because they are declared by law. There are things that are right whether they are declared by law or not. The second qualification is, that the rights which the Government is bound to protect, must be certain and absolute, not uncertain or doubtful. Third, that the right of the individual to the protection of his Government is subordinate to the general welfare and interest of the State. Upon this point, as the honorable chairman of the committee will give some authority, I will repose myself on Mr. Webster's reply to the letter of Mr. Hargous, which I have already submitted:

"Should the event prove otherwise, however, it cannot be doubted that in such a case, in which *the interests of individuals would be obviously subordinate to those of the public*, any other means which might be necessary for your protection would be authorized and employed."

The protection which a Government owes to its citizens is a protection according to circumstances—a protection consistent with public justice and the public welfare. The Government may discharge itself of its obligations in some cases, by leaving the individual to maintain his domestic rights in the domestic courts, and it may leave the citizen who has rights under a foreign Government to seek redress from that Government in its courts or otherwise. There never was, and never will be a Government which can be under an obligation to its citizens by which one of them, having, for the purpose of commerce or speculation, made a contract with the subjects of another country, or with the Government of another country, can *ipso facto* involve the nation to which he belongs in reprisals or war, to compel that Government to execute its contract. That would be to enable one citizen, at the suggestion of his own interest or caprice, to put in jeopardy the interest, welfare, happiness, or safety, of all other citizens. Least of all can there be any such principle of the law of nations applied in a case where the contract is disputed, or of doubtful morality or validity. This disposes of the first proposition of the committee.

Their second proposition is:

"That should Mexico within a reasonable time fail to reconsider her position concerning said grant, it will then become the duty of this Government to review the existing relations with that Republic, and to demand such measures as will preserve the honor of the country and the rights of its citizens."

This is a corollary from the first proposition, and falls with it. Their third proposition is:

"That in the present posture of the question, it is not compatible with the dignity of this Government to prosecute the subject further by negotiation. If Mexico, therefore, shall offer further negotiation, it shall be declined, unless it shall be offered based upon our own terms."

This, also, is a corollary from the first proposition, and falls with it. Moreover, if it be consistent with the dignity and honor of this nation to abide by its treaties—treaties solemnly and sacredly made—then it is consistent with the duty of the United States, and it is their bounden duty, either to tender to Mexico, or to wait till Mexico shall tender to them, a proposal to submit this dispute to an arbitration consisting of two persons, one of whom shall be named by each Power, or to the arbitration of a foreign nation. This disposes of the resolutions of the committee.

Mr. President, I am approaching the end of this long discussion, and I shall dismiss now Don José Garay, his grant, his assignment, his assignees, and their grievances. I come to a second ground, which has been assumed, not so much in the report, as in the speeches of the honorable Senators who support these resolutions, viz: That the United States have a public interest in opening the Tehuantepec communication as an oceanic connection, which renders it the duty of the United States on this occasion to adopt the resolutions submitted to us upon this subject. I have to say, in the first place, that as any defect in the Garay claim, or in the assignments of it, cannot be cured by the existence of a coincident public interest on the part of the nation, so also this public interest which is thus brought before us is not aided at all by the Garay claim. If it is the right of the United States to compel Mexico to enter into a stipulation to open the way, that right is absolute and independent of the Garay grant, whether that grant be valid or otherwise. Upon what ground is it that the Committee on Foreign Relations claim this right? Hear the honorable chairman of that committee.

"I come now to look at this question in another point of view. I lay it down, without hesitancy and without fear, that we have a right to a way across Tehuantepec. According to public law, this Government may demand of Mexico a way across Tehuantepec; and Mexico cannot refuse it unless she becomes disloyal to the general compact of nations. What is a right of way? Every one is familiar with that. It pertains to individuals in life as it pertains to nations. I understand that writers upon public law derive it from that primitive state, when the entire earth was common to all men, and passage over it was free to all, according to their varied necessities. Such was the nature of this right before Government was formed, or the institution of separate property ordained. By these, the right in question was only limited in its exercise; it was not destroyed; and it revives and resuscitates whenever there is a necessity making the way indispensable. It is illustrated in familiar life every day. If I purchase a piece of land so surrounded by the possessions of him from whom it is derived that I have no way out to mill or to market, I may take it, as a right incident to the acquisition. It is a principle resulting from necessity, and is modified as circumstances may require. A way impracticable in its use is the same thing as no way at all; and such is the exact position of our present way across the northern continent. We purchased California from Mexico, paid a large equivalent for it, and we have in fact no way across our own continent to get to it."

That is, the law of nations gives us the right to cross the Isthmus of Tehuantepec, and it is an absolute right. As it is by virtue of the higher law, higher than treaties, higher than the Constitutions of the United States and of Mexico, the law of God, which is the law of necessity, it is a perfect right. I have to say on this argument, in the first place, that when we had such a right, one so perfect, and descending to us so directly from Almighty power and Divine justice, it was most bungling diplomacy to rest that right upon the grant of the Mexican Government to Don José de Garay. I have to say, in the second place, that while I might not deny that we have the right to a way across Mexico, there is still another question which the honorable Senator has not disposed of. I remember a comedy which I saw acted once, in which the parents of two lovers sought to oppose their union under a mutual mistake. It resulted in their flight and marriage, and when they presented themselves for forgiveness, the parents found that just exactly the union which they had desired and studied to bring about was what had taken place, and which they had opposed, under the supposition that each had some other party in view. The father of the groom was obdurate. The father of the bride said, "Well, now, will you not forgive your son? Have you not got your own way after all?" The inflexible parent replied, "Yes, I have got my own way, but I have not got my own way of having it." Now, I ask the honorable chairman of the committee, whether besides having an absolute right, by the higher law, to the road across Mexico, we have a right to our own way of having it? I think not.

But, sir, the honorable Senator supposes that

this right of way over Tehuantepec inures to us by virtue of a higher law, upon the ground, that a portion of our territory is behind Mexico and another portion before Mexico, and it is necessary for us to pass through Mexico in order to go from one part of our possessions to another, like a farmer who has a right to go to another part of his own farm over another man's lands, I remind the Senator that we voluntarily placed ourselves behind Mexico; and I think that if I go and take a farm behind another man's farm, or the soil under his farm, I have no right to reach that new possession by going across, and over, or upwards, and through his farm.

Fourthly: At the time we acquired our possessions on the Pacific, we applied to Mexico to give us this very right of way across the Isthmus of Tehuantepec, and she gave us good reasons why she thought she had rather not. We assented and waived the demand, and permitted her to rise from the earth, upon which we had prostrated her, without surrendering this right. Now, I think it is too late to insist upon it.

Fifthly: If our real object in obtaining the right of way across the Isthmus of Tehuantepec is to open an interoceanic communication for our own benefit, and for the welfare and benefit of mankind, the right has already been offered for our acceptance, and the offer is still open. What has been already quoted proves this. But for greater certainly, hear your Minister, Mr. Letcher:

"Recently I have had several earnest conversations with Mr. Ramirez, regarding the treaty of Tehuantepec. Our interview two nights ago lasted upwards of four hours. His Excellency, upon each occasion, manifested great concern upon the subject, and was evidently very much surprised at my *apparent* indifference. It is quite obvious he *now* feels sensibly the responsibility of his position. I listened calmly and patiently to all he had to say. He reiterated, in strong language, what he had often previously declared, that the treaty, in its present form, could never be ratified by the Mexican Congress; that any attempt on the part of the Government to favor its approval, would end in nothing but its own immediate downfall; that he was sorry to say the feeling of his country, at the present time, against the United States, was exceedingly strong; so much so, that no one in power could venture to advocate a more intimate association with that country; that he was altogether satisfied the interest of Mexico, and in fact that of the whole commercial world, demanded the contemplated connection between the two oceans; that so far from throwing obstacles in the way of that connection, Mexico was fully prepared to go every reasonable length to secure that great object; that Mexico was poor and oppressed, but so far as he had it in his power to guard and protect her honor, he was determined she should not only be free from just reproach, but should stand upon elevated grounds before the world, in every particular, in reference to a matter of so much importance; that although she had been and was at this moment badly treated by many of my countrymen, still, from motives of sound policy, she was disposed—and such was his own sincere wish—to concede to the United States, in preference to any other Power, all the privileges which might be necessary to accomplish the greatest enterprise of the age; but that, in the event of such concession, no allusion must be made to the Garay grant.

"'Leave out that grant—say nothing about it, and I am ready,' said he, 'to enter into a treaty with you which I think will be satisfactory to both countries.'"

Hear, also, the letter of President Arista, of the 15th of April last, to President Fillmore:

"Among the differences enumerated by your Excellency, there is no one which can produce any serious difficulties between the two Republics; for Mexico has always been disposed to consent to the opening of a communication through the Isthmus of Tehuantepec for the free and unrammeled commerce of the whole world; in this respect she agrees entirely with the ideas and principles expressed by your Excellency in your last message to Congress. Her Government has given assurance of this in all its official acts: the explicit and full confirmation of this intention your Excellency will have remarked in the *projet* for a treaty, which the Minister of Relations presented on the 3d of January last to the Minister Plenipotentiary of the United States as a substitute for the treaty then pending, but which presented insuperable difficulties in the way of its being approved. The same feeling now exists—for even after this sentiment had been misunderstood by Mr. Letcher on the one side, and reproved by Congress on the other, (as shown by rejection of treaty,) as late as yesterday, a bill was introduced into the House of Deputies imposing on the Government the obligation to proceed immediately to open the communication by Tehuantepec, and authorizing it at the same time to make use of all the means that it may judge proper and necessary for the attainment of the object. These facts, presented in an authentic form, prove most indisputably that Mexico, far from opposing this great work, encourages it as much as possible; and most conclusively shows that *it* cannot be a cause for disagreement between her and the United States.

"But by the side of this merely apparent difficulty there is one which is so in reality, not from its own intrinsic character, but from the circumstances which are connected with it. These are found in the pretensions advanced by the agents of the New Orleans company, who appear to be determined that the opening of the communication shall take place *in no other way*, except under the privilege granted to Don José Garay. This pretension (which Mr. Letcher believes himself bound resolutely to uphold) has caused the utter failure of all pending negotiations by blocking up all the doors to a prudent compromise; it is altogether incompatible with the decree of Congress, which declares the privilege of Garay to have become extinct, in consequence of the illegality of its extension; under such circumstances it was impossible to negotiate a satisfactory treaty, and if negotiated, nothing would have been gained by it, for Congress was determined to reject it."

Now, sir, you have only to contemplate one more grade in the humiliation to which you have brought Mexico, to bring compunction to your heart. Here it is: Mexico has not only offered you this very right on the condition that you would relinquish the Garay grant, but she has offered to indemnify—ay, to indemnify the assignees of the Garay grant for pecuniary losses:

"In answer to a suggestion or two I had the honor to offer, I understood his Excellency to say, in so many words, in order to avoid all difficulties that may probably arise, in case the treaty shall be rejected, Mexico is willing to indemnify the holders of the Garay grant, and also the New Orleans company, for the money they have heretofore expended in the enterprise.

"In my dispatch of the 29th of October, I mentioned that the minister had used this remark, in substance: 'Mexico is prepared to stand all the consequences that may result from a rejection of the treaty.' I am now pretty well satisfied he meant *pecuniary consequences*, and nothing more."
—*Letter of Mr. Letcher.*

Senators, behold here the fundamental error in all these transactions—the error which might have been, and ought to have been, perceived—a private speculation with which the Government had nothing to do, combined, mingled, confounded with a great national enterprise—a private speculation, undertaken on public account. A great national interest, brought down to the mire, and polluted by contamination in an association with private speculation. Now I ask, is it not about time to separate this private speculation from this great national world-wide important concern? Sir, our dignity as well as our interest requires us to review our own position, and not to ask Mexico to reconsider hers—to retrace our own steps—to dissolve our connection with this New Orleans company: to dissolve the connection of our Government with speculators—speculators whether upon the levee upon the Mississippi, or upon South street on the East river; to dismiss them to the remedies afforded by the nation with which they have contracted—which remedies are the only ones they have a right to expect, or in making their contract could have contemplated. Then prosecute this great design of interoceanic communication across Mexico, by fair, open, single-handed, single-hearted diplomacy. The Isthmus of Tehuantepec will be opened in good time. It cannot long remain closed against the spirit of the age. The advance of our country, and of civilization throughout this continent assures us that it will be opened.

But you want it opened now—you cannot wait. There is no urgency, there is no haste for Tehuantepec. You want first and most, a communication which shall bind New Orleans, and Washington, and New York on the Atlantic, with San Francisco on the Pacific. The safety of your country, the safety of its Pacific possessions demands such a communication, not over oceans exposed to all nations and through a foreign territory occupied by a discontented, aggrieved, and probably hostile people, but inland, and altogether through your own country. You want for your own use, for your own commerce, and for the commerce of Asia, a road which shall have the advantage of the best Atlantic and Pacific harbors which can be obtained, with one continuous connection by land, so that there shall be no necessity for reshipment between the Atlantic and Pacific ports; not a way between ports yet to be artificially made, on the Caribbean sea and on the Pacific coast, with changes from land to water carriage requiring breaking of bulk at least twice in the course of transit.

If you aim to erect a high commercial structure, you must lay your foundations broadly in agriculture, in mining, and manufacture; and all these within your own domain; and use the resources which God and nature have given to you, and not those which Providence has bestowed upon your neighbors. And you want, for the same reason, a passage across the continent of your own, not shared with any foreign Power, and through your own domain, and not through a foreign domain. If you will be the carriers of Europe and of Asia, if you will be the carriers in even your own interoceanic commerce, you must receive, you must convey, you must deliver merchandise within your own temperate zone, not within that torrid zone whose heats are noxious to animal and vegetable productions, and while so deleterious to the articles most abundant and most essential to the subsistence of man, pestilential also to human life itself. This is the communication across this continent which you want.

But I shall be told, as I have been told by the advocates of these ill-starred resolutions, that a railroad across our own domain is not feasible. I shall give but a brief answer to that—an answer in the letter of an illiterate man, whose experience enables him to bear conclusive testimony:

WASHINGTON, *February* 4, 1853.

SIR: I have the honor of replying as follows to your note of the 2d instant, making certain inquiries regarding the practicability of building, and the best location for the proposed Pacific railroad, that I think it is perfectly practicable, and the best route will be found by going into the valley of the Rio Grande at Albuquerque, and thence crossing over by the Moqui villages and Little Colorado river to Walker's Pass in the Sierra Nevada, and from there down the San Joaquin valley to San Francisco.

I have crossed from New Mexico to California by four different routes, namely: Cook's Sonora route, the Salt river route, that recently followed by Captain Sitgreaves's party, and the old Spanish trail; and the one I have before described (Captain Sitgreaves's) is, in my opinion, decidedly the best. It is shorter, more direct, and has more timber and level country, fewer mountains, more cultivated, and perhaps more cultivatable land than any other route.

I have trapped on nearly every stream between Cook's route and the Great Salt Lake, and am well acquainted with the region of country between these places.

Very respectfully, your obedient servant,

ANTOINE LEROUX.

Hon. WILLIAM H. SEWARD.

I shall be told that if it be feasible, the length of the road is so great as to deter us from attempting it. What is it? Two thousand miles. What are two thousand miles of railroad for the people of the United States to make, who, within eighteen years past, have made twelve thousand miles? The railroads which have been made in the State of New York alone have an aggregate length of two thousand three hundred and one miles, exceeding the distance from lake Erie to the Pacific ocean. And if you add the canals, the chain would reach from the banks of the Hudson river to the shores of the Pacific ocean. The railroads already made in the United States, if drawn out into one lengthened chain, would reach from Liverpool to Canton. The railroads which have been made and are now being made in the United States, if stretched continuously along, would more than encircle the globe. Again, I shall be told of the cost of this railroad. And what will be its cost? One hundred millions of dollars. A cost not exceeding the revenue of the Government of the United States for two years only—a cost not exceeding the revenue of the Federal and State Governments for one year. One hundred millions of dollars; why we have offered that sum for one island in the Caribbean sea! One hundred millions of dollars; why New York city spent one sixth of that sum in supplying itself with water, and grew all the while! One hundred millions of dollars; the State of New York has already spent, in making canals and railroads, one hundred and thirteen millions, and prospered while spending it as never State or nation prospered before. That one hundred millions of dollars, if it should never be directly reimbursed, will be indirectly replaced within ten years by the economy which it would enable us to practice in the transportation of the Army, and of the supplies of the Army and Navy over it, not to speak of the still more important benefits of bringing the public domain into cultivatien and into increased value, and developing rapidly the mineral wealth of California, which can be only imperfectly realized now, because labor on that side of the Continent is worth four dollars a day, while it is worth but one here.

I shall be told there are constitutional difficulties and political dangers attending the opening of this railroad stretching across our own country to San Francisco. Does, then, our Constitution authorize us to make a canal or a railroad through a foreign country, and inhibit such a work in our own? If there is a right under the Constitution for that, why is there not for this? What new gloss of the Constitution or the resolutions of 1798 invests us

with the one power and deprives us of the other? Political danger! Is there less political danger in opening a passage through a foreign country, exposed to the hostilities of an armed people and of rival nations, than in peaceably opening a passage through our own possessions, beyond the reach of foreign Powers, and even unobserved by them? But grant that a railroad can be made through the Isthmus of Tehuantepec; can you manage and control that road, as you demand that Mexico shall permit you to do, without overturning, sooner or later, the States of Vera Cruz and Oaxaca through which it will pass? Can you do that without breaking your treaty obligations to Mexico? No, sir; the national power which controls and manages that road, with only the small States of Vera Cruz and Oaxaca on the route, will soon overcome them. If you take those two States, will you leave the remaining twenty States of Mexico? Will the other twenty consent to remain out of the American nation, when you have taken the two principal States, and have cut off their communications with the Caribbean sea and the Pacific ocean? Not a day. Will you consent that anybody else shall have them? Not you. Will they consent that anybody else shall have them? Not they. So you will have Mexico.

Well, before you conclude upon this important matter, consider well whether you have settled the preliminaries and prepared the way for receiving the twenty-two States of Mexico. If you have, pray enlighten *me*. Will they come in slave States, or will they come in free States? Can you admit them as slave States? Can you take them in as free States? Can you adjust the balance between slavery and freedom? If not, can you evas the Union from convulsion? And if you plunge the Union into convulsion, can you tell me whether you can bring us out in safety? Well, suppose that these preliminaries are all settled. Those States cannot govern themselves now; can they govern themselves better after they are annexed to the United States? No. Will you govern them? Pray tell me how. By admitting them as equals, or by proconsular power? If the one, you must have an army perpetually there to suppress insurrection. If the other, still you must have a standing army in the provinces, ultimately to come back and open the same disastrous drama of anarchy, civil war, desolation, and ruin at home, which the armies of Mexico have enacted there. If you bring them in as States, have you settled the question whether you are to govern them, or whether they are to exercise self-government, and so govern you? Have you reached that point in your charity that you will be willing to be governed by five millions of Indians in Mexico?

These are no idle questions. They are coming upon us, and they will be here when Mexico, exhausted by internal factions, and by resistance to your own aggressions, shall implore you to give her rest and peace and safety, by admitting her to your Confederacy, as, before long, in any event, she surely must and will do. That time is coming soon enough without hastening it. Why hasten it? You answer that you want a passage across the continent by way of Tehuantepec. Have you not more passages already across your own domain to open than you can open in twenty-five years? Have you not more land already than you can people in fifty years? Have you not more gold and silver than you can dig in an hundred years? These dangers are real, but only real if precipitated. Time will speedily fill the regions which you already possess with a homogeneous population and homogeneous States; yet even long before that event, so soon to arrive, shall have come, this nation will have acquired such magnitude, such consistency, such strength, such unity, such empire, that Mexico, with her one million of whites, her two millions of mixed races, and her five millions of Aztecs and other aboriginals, can be received and absorbed without disturbing the national harmony, impairing the national vigor, or even checking for a day the national progress.

Wisdom, justice, and magnanimity, combine in recommending to us the moderation, the forbearance, the pity, which Mexico, exhausted by efforts, simple, sincere, and earnest, at once to imitate our political virtues, and to defend herself against our hostile encroachments, so touchingly implores, and which our faith, plighted amid the ruin of her most precious hopes, and with compunctions on our part, never before and nowhere else betrayed in our diplomacy, so solemnly enjoins.

I submit the following as a substitute for the resolutions:

Strike out all after the word "Resolved," and insert:

That the United States cannot suspend diplomatic negotiations with Mexico without tendering to that Power, or waiting a reasonable time to receive from it, an offer of arbitration, according to the terms of the treaty of Guadalupe Hidalgo.

TEXAS DEBT.

SPEECH OF HON. J. A. PEARCE,

OF MARYLAND,

IN THE SENATE, *February* 10, 1853,

On the bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850.

Mr. PEARCE said:

Mr. PRESIDENT: This bill has been introduced by the Committee on Finance in consequence of various memorials from the creditors of the late Republic of Texas which were referred to that committee at the last session of Congress. In order to understand this whole subject fully, it is necessary to go back to the period of the annexation of Texas. It will be recollected that by the resolutions of annexation passed by Congress, and adopted by the convention of the people of Texas, sundry conditions were agreed to by this Government and the people of Texas. By those conditions the powers of the Government of Texas and its property were divided between the Government of the Union and the new State of Texas. The late Republic of Texas ceded to the Union its external sovereignty, but retained its internal sovereignty, modified, to be sure, in some particulars, by the operation of the Constitution of the United States. As to the property, Texas ceded to the Government of the Union all its military and naval property, forts, arsenals, navy-yards, dock-yards, &c. It yielded up also to the Government of the Union its revenue from duties on imports, and it retained full right to all its public lands. I propose to read from the articles of annexation a single passage:

"Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, and armaments, and all other property and means pertaining to the public defense belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing to the said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, *to be applied to the payment of the debts and liabilities of said Republic of Texas;* and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States."

The Senate will perceive that when the Government of the Union took from Texas that which was ceded to her by the articles of annexation, the remaining property was not left solely to the future operation of the dominion of Texas, but a stipulation was made that the public lands of Texas should remain to it, *to be applied by it to the payment of its public debts;* and then there was a further stipulation, that in no event should the Government of the Union be liable to be charged for those debts. Now, sir, this seems to be a little extraordinary, upon the supposition that the effect of annexation by itself would create no such liability on the United States. Why provide against a liability which by no possibility could arise from the act which you were about to do? Certainly the least that could be said would be that it was supererogatory, that it was a very unnecessary course.

But we know the fact to be, that when these resolutions of annexation were pending, many members of the Senate not only entertained the idea, but avowed it in argument, and maintained with great force and vigor, that the operation of the resolutions of annexation would be to transfer to the Government of the Union a part of the obligations of the late Republic of Texas. I very well recollect that a member of this body on that occasion exhibited one of the revenue bonds of Texas, and called upon the Senate to mark its terms, to notice the pledge which it made of the revenues from duties on imports, and bade them beware how they entered into an arrangement which would inevitably charge the Treasury of the United States with the payment, at all events, of that class of liabilities. It was certainly, to say the least, to guard against the apprehension of this liability, that this provision was inserted. If the United States were under no liability, if the resolutions of annexation could impose no charge upon the Treasury of the United States, the provision in the articles of annexation, that in no event should the debts and liabilities of Texas become a charge upon the Government of the United States, was evidently nugatory. A liability created by the act you were about to perform by the new associations into which we were preparing to enter with Texas, would not be avoided by the mere declaration of the will of this Government, that it should not operate such a change. The very attempt to rid ourselves of a liability thus apprehended, is pretty good evidence of a conviction that such a liability would attach.

The consequence was, that almost as soon as the annexation of Texas had been completed, and she had become a member of this Union, certain of her creditors petitioned this Government for the payment of her debts to them. In 1846, several such petitions were presented, upon which, in one case, at least, a bill was introduced and debated. So things remained until 1850, when the boundary act was passed, by which we agreed to give to Texas ten millions of dollars, in consideration of the cession by her of her claims to territory exterior to her present limits, and of her relinquishment of certain other claims upon the United States, including a liability, or a supposed and alleged liability, on the part of the United States for certain debts of Texas. Of these ten millions, the act stipulated that no more than five millions should be issued to Texas until releases should be filed at the Treasury of the United States of all their claims by a certain class of creditors, to wit: those creditors who held claims against Texas secured by a pledge of revenues derived from duties on imports. This reservation sufficiently signifies the opinion of Congress at that time, that the United States, if not under an absolute and perfect obligation to pay that class of debts due by the late Republic of Texas, were, at all events, under some sort of obligation, liable in some way—only equitable if you please—to a charge upon their Treasury in respect to these debts. There could not be any pretense for retaining in the Treasury of the United States any part of the stipulated sum, if it were not that the Treasury of the United States was supposed to be either primarily or eventually liable for a part of the obligations which Texas had incurred in the days of her separate existence.

And, sir, if we look back to the debates which took place in the Senate at that time, this view will be amply confirmed. I recollect that before that time, when Mr. Clay introduced his celebrated resolutions, he proposed to provide for the payment by the United States of that portion of the debt of Texas to which this bill applies. His fourth resolution was in these words:

"*Resolved*, That it be proposed to the State of Texas, that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of $——— in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition, also, that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico."

In the course of his remarks on this resolution, Mr. Clay said:

"It proposes that the Government of the United States will provide for the payment of all that portion of the debt of Texas for which the duties received upon imports from foreign countries were pledged by Texas, at a time when she had authority to make pledges. How much it will amount to, I have endeavored to ascertain; but all the means requisite to the ascertainment of the sum have not been received, and it is not very essential at this time, because it is the principle, and not the amount, that is most worthy of consideration. Now, sir, the ground on which I base this liability on the part of the United States to pay a portion of the debt of Texas, is not new to me. It is one which

I have again and again announced to be an opinion entertained by me. I think it is founded upon principles of eternal truth and justice. Texas being an independent Power, recognized as such by all the great Powers of the earth, invited loans to be made to her to enable her to prosecute the then existing war between her and Mexico. She told those whom she invited to make these loans, that 'if you make them, the duties on foreign imports shall be sacredly pledged for the reimbursement of the loans.' The loans were made. The money was received and expended in the establishment of her liberty and her independence. After this she annexed herself to the United States, who thenceforward acquired the right to the identical pledge which she had made to the public creditor to satisfy the loan of money which he had advanced to her. The United States became the owner of that pledge, and the recipient of all the duties payable in the ports of Texas."

"Now, sir, I do say that, in my humble judgment, if there be honor, or justice, or truth among men, we do owe to the creditors who thus advanced their money upon that pledge the reimbursement of the money, at all events to the extent that the pledged fund would have reimbursed it if it had never been appropriated by us to our use. We must recollect, sir, in relation to that pledge, and to the loan made in virtue and on the faith of it, there were three parties bound: the United States, Texas, and the creditor of Texas, who had advanced his money on the faith of a solemn pledge made by Texas."

When the boundary bill was introduced, after the failure of Mr. Clay's project, called the omnibus bill, similar arguments were addressed to the Senate, which gentlemen must well recollect. The retention of five millions in the Treasury was vindicated, upon the ground that it was the duty of the United States to protect their Treasury from liability which might thereafter be brought against it, upon the supposition that Texas might possibly apply the money which she was to receive under that boundary act, in a manner not satisfactory to her creditors, and that if she did not satisfy her creditors, this Government would be liable to perpetual demands by those creditors for the payment of their claims.

In the remarks with which I introduced the boundary act I presented similar views, acknowledging at the same time the reluctance with which I had come to such conclusions. I justified the large sum which that bill proposed to give to Texas, by the consideration that we had absorbed that source of revenue to whose future productiveness her creditors had looked for relief and payment.

I held that it was not "a sufficient answer to 'say that, without annexation, Texas would have 'had no security, and therefore no increase of 'commerce, for we know that her independence 'would have been acknowledged by Mexico on 'the condition of eternal separation from the 'United States; and that if this scheme guaran-'tied by England and France had gone into oper-'ation, she would soon have gathered strength 'and grown in prosperity." I did not propose, as some did, to reserve to the United States the right of distributing the money among the creditors of Texas, partly because I was unwilling to seem to cast any reproach upon the State, and in part because I supposed that she could herself better settle with her creditors. But as the money voted to Texas was given with the view of enabling her to discharge those obligations which seemed to be also a charge upon the United States, I endeavored to guard the Treasury of the Union against the contingencies which might flow from the measure by the proviso which reserves five of the ten millions until the revenue creditors have filed at the Treasury releases of their claims.

Then, sir, I hold that Congress, both by the terms of the resolutions of annexation and by the boundary act of 1850, has recognized that the United States were under some sort of liability for that portion of the debts of Texas for which her revenues from customs were pledged. The general argument as to this liability is stated with sufficient distinctness in the remarks which I have read from Mr. Clay's speech. The United States having taken that fund which was pledged by the late Republic of Texas for the payment of a certain portion of her debt, must take it with the obligation of satisfying that debt. That is the general proposition.

This doctrine is not new. It is not unknown to the publicists; on the contrary, it has been well recognized. I find in a book of authority on international law a reference to the well-known case of the Province of Silesia. Wildman, in his work on national law, says:

"But in that case the conqueror acquires no rights but those of the State with which he is at war, and takes subject to all absolute or qualified alienations previously made. Thus the King of Prussia, when he acquired Silesia by conquest and cession, bound himself by treaty to pay the debts for which that Province had been mortgaged to British merchants. But without such express stipulation, Silesia would still have remained subject to the mortgage, for he could conquer no rights but such as were vested in his enemy."

This mortgage of the revenues of Silesia was made by Charles VI., Emperor of Germany, in the year 1734, I think. Its conquest by Frederick was consummated in the time of his daughter, Maria Theresa, and the cession was made by the preliminary treaty of Breslau, in 1742, the seventh article of which treaty provided that the King of Prussia should pay those debts for the revenues of which the Province of Silesia was mortgaged to certain English merchants.

One would suppose that that analogy was tolerably perfect; but I may be told that there was a very great difference; that the mortgage of the revenues of Silesia included all the revenues of Silesia; that it was equivalent to a surrender of the whole taxing power, and that Texas has not by her union with the United States given up the whole of her taxing power. But let us look at it a little further. When Silesia was ceded to Prussia, the contracting party that had engaged to pay this debt, was the head of a great subsisting empire; shorn, indeed, of a very small part of her immense possessions, but still with a vast extent of territory, and with most ample resources. While Silesia could no longer be taxed by the Empress Queen, all the rest of the vast possessions over which her sovereignty remained intact, could be taxed.

It was not, therefore, anything but the transfer of the thing pledged which made the King of Prussia liable. The ability to pay remained in the original contracting party, almost, if not quite undiminished; for, in comparison to the revenue of such an empire as that of Maria Theresa, the revenue of Silesia must have been inconsiderable, and scarcely worth mentioning. But not so with Texas. In surrendering up her revenues from imports, she surrendered that which was the principal source of her revenue; she gave up more than four fifths of all her annual income.

I find, by reference to a tabular statement which I have examined, that in the year 1844, the revenue of Texas from imports amounted to $177,000, and that her revenue from all other sources was less than $50,000. Besides, we know that in modern times the principal source of revenue to all nations, certainly to all maritime nations, is revenue from duties on imports. Why, sir, it was the surrender of the duties from customs by the States of this Union, upon the formation of our Federal Constitution, which was one of the principal grounds for the assumption of the debts of the State governments by the Government of the Union.

In the case of Silesia, to which I have referred, the liability of the imperial head of the Germanic Empire remained, and the ability of the Empress to pay the debt, which had been contracted to these British merchants, remained, but the thing pledged having been assigned to the King of Prussia, that monarch took it with the burdens upon it, and therefore bound himself to pay, and, after some very curious controversies, did finally satisfy the claims of the British merchants.

The same principle may be found in Bynkershock's treatise on the Law of War. At page 191 he says: "Conquered countries, like lands purchased, pass *cum onere*." He illustrates it by reference to certain territory of the King of Spain conquered by the States General, and which, before that conquest, had been hypothecated by that monarch. He says that if the States, instead of conquering, had purchased it from the King, the creditor would still have been entitled to his pledge, as he was upon its transfer by conquest.

After the passage of the boundary act of 1850, the Secretary of the Treasury and the President of the United States found that it was their duty to consider what classes of the debts of Texas came within the provisions of that act, and the Secretary made a report upon the subject, in which the President concurred.

The debts of Texas may be divided into six classes. There is the debt contracted under the Texan act of 1837, called, I believe, the ten per cent. consolidated fund. There is the debt commonly known as the five million loan, all of which was not issued, created under the authority of various laws of Texas. There was another class of debt created under one of the acts of February 5, 1840, called the eight and ten per cent. funded debt; and there was another debt created under another act of February 5, 1840, called the eight per cent. treasury bonds. Then there were Treasury notes of three different classes, and finally another item of public debt which consisted principally of drafts, audited and unaudited, which were, in fact, drawn upon the Treasury of Texas for the current expenses and supplies of the Government, and sometimes properly called the domestic debt. Of these six classes, two did not appear to the President and the Secretary of the Treasury to come within the principle assumed by the bill. The eight and ten per cent. funded debt of February 5, 1840, called in the report of the Secretary of the Treasury "class C," was one of those which did not come within the principle assumed by the boundary act, because by the act which created that debt, there was no pledge given of revenue from imports either for the payment of principal or interest, or any provision making this debt receivable for public dues. Class F, consisting of audited and unaudited paper called "domestic debt," not being funded, or put into the shape of stock, bonds, Treasury notes, or promissory notes of any sort, had no pledge of duties on imports, and, of course, it was decided not to be within the bill. All the other classes had, in some way or other, a pledge of the revenue from imports for their payment. Class A, which amounts to $1,651,590, principal and interest, on the 1st July, 1850, had a pledge on import duties for the perpetual payment of interest. This special pledge, being a perpetual one, for the payment of the interest, is, of course, equivalent to a pledge for the payment of the principal; and that class, therefore, comes within the provisions of the act of 1850, according to the report of the Secretary of the Treasury, as approved by the President. The loans designated in "schedule B" of the report made under various acts, amounted to about $2,582,000.

By a section in the Texan act of January 14, 1840, the revenues of Texas generally were pledged for the redemption of all loans negotiated by the authority of the Republic; and although the revenues from customs were not mentioned *eo nomine* in that pledge, yet as the pledge was a general one of all the revenues, it was considered by the Secretary and President to include, and to be, in effect, a pledge of the revenue from the customs, since, if it did not pledge each and every item or source of revenue, it did not pledge any, and did not amount to any pledge at all; and, therefore, if it had any operation or effect at all, it must be considered as a pledge of the revenue from customs.

Class D, as it is called in the report of the Secretary of the Treasury, consisted of eight per cent. Treasury bonds created under one of the acts of February 5th, 1840. That act provided that those bonds of the Republic should be at all times receivable by any collector of revenue or at the Treasury Department in payment of any debt to the Government, or of any duties on imports. This quality of receivability in payment of all public dues, including duties on imports, is in effect as full a pledge of the revenues from customs as if those revenues had been pledged *eo nomine*.

Schedule E comprised the three classes of Treasury notes, all of which were made receivable for the payment of public dues, including the duties from customs.

The amounts of these different classes of debt, principal and interest, on the first July, 1850, may be thus stated:

Class A.....	$1,651,590 02
Class B.....	2,582,902 70
Class D.....	1,472,918 80
Class E.....	2,586,546 00
	$8,293,957 52

If there be any error in this statement it is probably too large by some forty or fifty thousand dollars. I take it, however, as I find it in the Secretary's report, based upon the statements of the Auditor and Comptroller of Texas.

These are the four classes which were recog-

nized by the Secretary of the Treasury and by the President of the United States, and they, with the full amount of interest on them up to July, 1850, amounted to about $8,293,000. The whole amount of the debt of Texas is about $12,400,000. So much as comes within the principal assumed by this bill is, or was at the time I have indicated, about $8,294,000.

The Legislature of Texas having seen this report of the Secretary of the Treasury, approved by the President, have passed an act by which they seem to have recognized the soundness of the principles assumed by that report, and they have provided out of the $5,000,000 which have already been paid to them from the Treasury of the United States, for the two classes excluded by me in the enumeration which I have mentioned, and excluded by the President and the Secretary of the Treasury. They have provided for their domestic debt, (class F,) and they have provided for the class called C, or the eight and ten per cent. funded debt of 5th February, 1840, and I understand that in many instances claims under those two classes of debt have been presented at the Treasury of Texas, and actually paid and receipts filed. For the other four classes they have provided conditionally; and here comes the difficulty which has rendered it necessary to introduce this bill. They have provided for the payment of some of these claims at par, of some at eighty-seven and a half cents to the dollar, of some at fifty cents, and of some at twenty cents on the dollar. The whole amount of these four classes, as scaled by the act of the State of Texas, is something less than $4,000,000, including principal and interest.

The creditors of Texas are not willing to accept the terms thus offered them by that State. They contend for the payment of their claims, dollar for dollar. While Texas alleges that she has scaled these claims according to the rates at which she actually received value for them, the creditors contend that that was no part of the contract. Their contract was, to be paid so much as the obligation on its face states to be due; and they deny the right of the Legislature of Texas to reduce the amount of their obligation from its face value to that which the State alleges it actually received, or to that which it alleges to have been the average of what it actually received; for, in some cases, it being actually impossible to tell what was received by the State, on the particular bond, or evidence of debt, the Auditor and Comptroller of Texas have averaged the whole class. Texas has also provided that these four classes of debts which she has thus proposed to pay according to the scaled rates, shall not be paid until the United States shall have modified their proviso in the boundary act. Annexed to her scaling act is this proviso:

"*Provided*, That payment shall be made on any claim against the State, included in or forming a part of articles 1st, 2d, 5th, 6th, 7th, 8th, and 11th, or for interest which may have accrued thereon, included in articles 12th and 13th, in the first section of this act, when the Governor of this State shall be notified by the President of the United States that the Secretary of the Treasury of the United States has been required by law to issue to the State of Texas the five millions of dollars of stock withheld under the provisions of said act, approved September 9th, 1850, until certain creditors shall have filed releases at the Treasury of the United States, as therein required; or that said Secretary has been required by law to issue to the State of Texas sums of said stock, equal to the sums for which the State may at any time present the required releases from any portion of said creditors at the Treasury of the United States; after which notice, such claim or claims shall be paid, as provided for in other cases."

Texas, therefore, requires the Government of the United States to modify the proviso of the act of 1850, by which the five millions were retained in the Treasury of the United States, before any portion of these claims can be paid under her liquidation act. In 1848 Texas passed an act "to 'provide for ascertaining the debt of the late Re-'public of Texas, by which she required her 'creditors to present their claims to the Auditor and 'Comptroller of public accounts, on or before the 'second Monday of November, 1849, and declar-'ing that all claims not then presented should be 'postponed." The government of the State subsequently passed another act extending the time within which those claims should be produced at the Treasury of Texas, and provided that all not produced by the first Monday of September, 1851, should be forever "barred." Then followed the liquidation act, the terms of which I have endeavored to state to the Senate.

The Senator from Virginia, [Mr. Mason,] in the substitute which he proposes to offer, and which has been printed and laid upon our tables, proposes so far to adopt the action of Texas as to authorize the creditors who hold these claims to receive at the Treasury of the United States the payment of the amount at which their debts have been scaled by Texas. It is very unpleasant for me to say anything upon this subject, and I would very gladly avoid it if I could, but I am bound to say, while I endeavor as far as possible to avoid casting any reproach upon Texas, that it seems to me the Government of the United States owes it to its reputation not to participate in the act by which it is proposed to reduce the claims of these creditors below the value stipulated on their face. This Government has never done so; except under the influence of an inexorable necessity.

We negotiated loans during the war of 1812, when for every hundred dollars of stock issued we received only eighty dollars, and that in depreciated paper. I believe that according to the calculations of a former Secretary of the Treasury, (Mr. Walker,) the depreciation of the bank paper in which we received the money for which we issued the stock, was so great that eighty millions of stock and Treasury notes only yielded the Government about thirty-four millions in specie value, being less than fifty per cent. The British Government, and almost every Government under the sun, has negotiated loans at less than par. Great Britain during the wars which followed 1793, and between that period and 1815, negotiated enormous loans at rates which yielded her, some only sixty-six dollars, some sixty dollars, and one loan of thirty millions sterling, only fifty per cent. In that one instance, she received only £15,000,000 for £30,000,000 of stock issued; yet no one ever heard any objection to paying the full amount of the obligation as stated upon its face. So sacred has the public faith been held, and so important the maintenance of public credit.

I shall probably be told that our revolutionary debt was not paid at par. That is true of a part of it; but it must be recollected that we paid all our foreign revolutionary debt at par, without reference to the amount we received for the stock which we issued. That debt in the year 1790 was, including principal and interest, about $12,000,000, every dollar of which, including even the three per cents., was paid according to the value upon its face. It is true we had incurred an enormous domestic debt by the issue of continental money, which I think a Secretary of the Treasury stated many years ago, in a report, to amount to about $242,000,000, and this with the issues of the States during the Revolution amounted to over $400,000,000. It is very true that these issues of continental money had been promised to be paid at par; but very soon after they had been issued to an amount more than sufficient to supply all the purposes of a currency, they began to decline; and as the issues were enormously increased, so the depreciation went on until finally they fell from par; at which the money was received on its first issue, down to as low as $300, and in some States to $1,000, for one of specie. It is true that a good deal of this money was afterwards funded at the rate of forty dollars for one, and some of it, I believe, was funded, under the act of 1791, at the rate of $100 to one; but that was not because we considered that we had a right to reduce our liabilities arbitrarily or by the scale of depreciation, which at any time indicated the market value of our issues, but because inexorable necessity left us no alternative.

Had not the continental money, under the arrangement of 1780, been redeemed at forty dollars for one, the Government of the Union, in 1790, would have found itself encumbered by a domestic debt, including the issues of the States, of quite $400,000,000, the interest of which, even at three per cent., would have amounted to $12,000,000. It would certainly have been impossible that it could have given any additional value to these enormous sums by funding them; because it never would have been able to pay the interest. The whole exports of the country, in 1790, were only $15,000,000. All the expenditure of General Washington's Administration were only $2,000,000 a year, and it would have been utterly impossible to pay the current expenses of the Government, and also even the fourth part of the interest of this enormous sum of money. The truth is, it was a question of possibility and impossibility. The nation was in a state of bankruptcy, and to this inexorable necessity we yielded, paying, however, our foreign debt-holders every dollar of their demands. Such, however, is not the necessity of the Government now. Such is not the necessity of Texas at this time; and although gentlemen may conclude that Texas is able to pay those debts of her own contracting, the fact is, that she has not paid them; that she does not propose to pay them, dollar for dollar; and that the plan upon which she proposes to liquidate them is not satisfactory to her creditors. They are unwilling to accede to it, and come back to us, reminding us of our original obligation, on the transfer of the pledged fund, to apply at least that fund to the payment of their claims. They remind us of our vain endeavors to escape from our obligations, by the conditions of the resolutions of annexation, of the admission made, at all events, by the boundary act of 1850; and they make an appeal to us on grounds of manifest justice and equity, and make it apparent that if Texas were now in the possession of the revenues from duties in her own ports, and on her own consumption, she would have ample means to pay those pledges. The United States are receiving all those duties on imports, to an amount greatly exceeding the interest upon this debt, for which it is claimed that they are liable to the creditors of Texas. For it will be recollected that her revenue, in 1844, from customs, was $177,000. Her population has been quadrupled since that time, and the capacity of that population for consumption has increased in a much greater ratio than the population itself; so that, in all probability, the revenues which this Government derives from the duties on goods imported into and consumed in Texas, are not less than $1,000,000 a year, and they are rapidly increasing. This Government, therefore, has got from the annexation of Texas and the diversion to our Treasury of duties on her consumption of imported articles, a fund much more than sufficient to enable it to pay all this debt of Texas, principal and interest, in a reasonable time.

It is true that we have provided for the issue of $5,000,000 of stock to Texas, which has not yet left the Treasury, and which, under this bill, will not leave it. The condition upon which these five millions were to be issued to Texas is, that releases shall be filed at the Treasury of the United States of all the revenue debt of that Republic. A literal compliance with this provision is necessary before the stock can be issued. When that provision was made, it was anticipated that Texas would make an arrangement herself with her creditors, and that was the course of argument used here. Gentlemen will very well recollect that it was then said that the State of Texas could better arrange with her creditors than we could, and that it was much to be desired that she should make such an arrangement. But, sir, she has not made such arrangement. Two years and more have passed away since the passage of the boundary act, and no progress towards such an arrangement has been made with any of the creditors of these classes. How long is the Government of the United States to wait? What is a reasonable time? It seems to me that we have arrived at a period when it is proper, since Texas does not make the arrangement which was contemplated under the provisions of the boundary act, and does not thus protect the Treasury of the United States from the demands of these claimants, that we should now, taking care that we do not violate our compact with Texas, make such an arrangement for ourselves; and that is what this bill proposes to do.

This bill, as amended, or as proposed to be amended by the Committee on Finance, authorizes the issue of this stock to the creditors of Texas, and in return we are to take from them assignments of their claims against Texas. We are not to take releases but assignments. Then the condition upon which the reserved $5,000,000 are to

be paid to Texas will not occur, and the necessity for their issue can never arise. Indeed, if it be necessary, we can hold these evidences of Texan debt which we may receive under the provisions of this bill as an offset against any claim that Texas might have for the $5,000,000.

Texas herself has proposed to us that we shall modify the act of 1850; but we do not propose to modify that act. We propose that, inasmuch as the provisions of that act do not seem to be likely to be carried into effect by Texas, (by her procuring releases from these creditors,) to make an arrangement with them ourselves; and that arrangement in nowise conflicts with the provisions of that compact. There is nothing in the compact itself which forbids it; nothing in reason and common sense which shows a conflict between them. We know very well that the Government of the United States is under an obligation to pay five per cent. on the sales of the public lands to certain States of the Union, and that too by compact; and yet when we hold stocks of such States as are entitled to this five per cent. fund, and they are in default for payment of interest or principal on our investments in their bonds or stocks, we do not hesitate to withhold that five per cent. fund; and indeed, by a joint resolution of Congress, passed in 1845, the Secretary of the Treasury has been expressly directed to withhold the percentage upon the proceeds of the sales of the public lands within the limits of any such defaulting State. This bill proposes, at the most, nothing more than that; and I am not sure that it goes even to that extent. Provision is made for satisfying the creditors and taking assignments of their claims. No provision is made for withholding the five millions from Texas, because it was not supposed to be necessary, since the occasion upon which the Secretary of the Treasury was authorized to issue the five millions of stock would not occur.

I shall now consider the amendments which the Committee on Finance propose to the bill. The first is to strike out, in the second section, the words "a full discharge and relinquishment of 'any alleged or actual claim upon the United 'States for, or on account of the same, and also 'assigning to the United States, and delivering all 'the certificates or other evidences of said debt," and inserting in lieu of them these words: "A full 'assignment of the said certificates or other evi-'dences of said debt, and where any original cer-'tificates or other evidences of said debt have been 'surrendered up to the authorities of the State of 'Texas, and new certificates have been issued 'therefor by the said State, said new certificates 'shall be received as evidence of the original 'amount of the claim." It is well, perhaps, that I should explain this. The first part of the amendment is to make the bill correspond with the plan which I have sketched out to the Senate, so that assignments of those certificates shall be filed at the Treasury, instead of releases. The second part of the amendment provides for this case. Under the acts of the State of Texas, by which her creditors have been called upon to file their claims at her treasury, many of the original evidences of debt have been surrendered up, and new certificates of debt have been issued. These new certificates state the original amount of the claim for which they were given, the rate of interest payable upon them, &c. In order to show what the original character of the claim was, the original certificate not being in the possession of the holder, it is necessary to provide that the substituted certificate shall be received as evidence of the original claim; otherwise it would fail entirely.

The next amendment is to insert a third section, the object of which is to make more specific the general provisions of the second section; and to state distinctly what are the classes of the public debt to which the stock provided by this bill shall be applied in payment, so that there shall be no possibility of any mistake in any future Secretary of the Treasury, or by the claimants themselves. It therefore distinctly provides—

"That the classes of the public debt of the Republic of Texas mentioned in the foregoing section are those for payment of the principal or interest of which the revenue from customs was specially pledged, or for which a pledge of the revenues generally was made, whether borne on the face of the obligations or given by the act of the Republic of Texas of January 14th, 1840, or which were made receivable for public dues, excluding such evidences of debt as were authorized by law subsequent to the said act of January 14th, 1840, unless the act so authorizing them contained such pledge, or made them receivable for public dues; and excluding also all other debts not evidenced by Treasury notes or interest-bearing bonds."

The other amendments are merely formal.

Now, sir, I may be asked why I have not provided for payment out of the Treasury of the United States of these claims in cash? To that I would answer, in the first place, it is rather a large amount, and it might not be altogether convenient to the Treasury of the United States to pay in cash, especially in view of contingencies which may arise, and for which every prudent Government will always take care to hold a sufficient amount of funds in reserve. In the next place, the issue of three per cent. stock will be perfectly satisfactory to the creditors of Texas, and if they are satisfied I do not see any reason why others should complain. And in the third place, this plan is unquestionably more advantageous to the Government.

If it be objected that we are about to pay a much larger sum of money to the creditors of Texas, than was reserved under the act of 1850, all I have to say is this: that while the principal of the stock proposed to be issued is undoubtedly $3,333,000 more than that of the reserved five millions, the interest is precisely the same; and that, inasmuch as a three per cent. stock having a long time to run, is never as valuable as a five or six per cent. stock having the same, or a much shorter time to run, and inasmuch as we provide in the bill that the Secretary of the Treasury shall be authorized to purchase up this stock in the market whenever there may be more than $7,000,000 in the Treasury, I apprehend the practical effect upon the Treasury of the United States will be to subject it to no greater charge than if the $5,000,000 had actually been issued to Texas. A three per cent. stock, having twenty years to run, will not, I apprehend, command a higher price in market than at most eighty-five per cent. The old revolutionary three per cents, even after the period when they arrived at maturity, commanded, I think, only about ninety, and ten years before, as I am informed by the Senator from Rhode Island, [Mr. CLARKE,] they sold at sixty. I apprehend, therefore, that it would be very easy for the Secretary of the Treasury, in the course of two or three years after the passage of this bill, if it should pass, to purchase the whole of this stock at a saving to the Government of at least fifteen, and perhaps of twenty per cent.; or nearly a million and a half of dollars.

Inasmuch as we can do that within a short space of time, we shall also save interest to a very considerable amount, which would otherwise be accruing. Besides, five millions of five per cent. stock would command a premium in the market, and could not be bought up at par, and probably if an attempt were made to purchase them, they would rise to some eight or ten per cent. premium. The probabilities, therefore, are, especially as five per cent. stocks frequently go into the hands of banks as security for their banking issues, that there might be some difficulty in buying them up at any price; and the Government would go on and pay interest upon those stocks for a series of years, to a greater extent than it would be called upon to pay the interest upon stocks to the amount of $8,333,000 proposed to be issued by this bill, which in all probability can be purchased. There would, therefore, be a considerable gain in the interest, which, added to the difference between the purchase of the stocks in the market at the current rate and their par value, would reduce the amount very much. So that in all probability the Government will suffer no larger loss by the issue of these $8,333,000 three per cent. stocks, than by the issue of five millions of five per cents. If, however, these calculations should be disappointed in part, as they may be, and the United States should eventually lose a million of dollars by the settlement of these claims, it would be a matter of no regret, since it would be a consequence of liabilities incurred by the annexation of Texas, which were foreseen at that period, and which we have vainly endeavored to discharge through the agency of that State.

Having thus briefly presented the principal points of the case, I will postpone further remark until it may be necessary for me to reply to Senators who take different views of the question.

TEXAS DEBT.

SPEECH OF HON. R. M. T. HUNTER,

OF VIRGINIA,

IN THE SENATE, *February* 10, 1853,

On the bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850.

Mr. HUNTER said:

Mr. PRESIDENT: I was in the minority on the Committee on Finance, from which this bill was reported; and as I have regarded it as one of the most extraordinary demands which I have ever known to be made upon the Treasury of the United States, I should like, in as few words as I can, to present my objections to the measure. I do not think there are any considerations either of justice or equity to sustain this demand; and I believe that if the Senate will give their attention to a brief narrative of the facts of the case, they will concur with me in that opinion.

The joint resolution for the annexation of Texas, contained several provisions which were to be the conditions of that annexation as prescribed in the resolution itself. One was, that the State of Texas should "retain all the vacant and unappro-'priated lands lying within its limits, to be applied 'to the payment of the debts and liabilities of said 'Republic of Texas, and the residue of said lands, 'after discharging said debts and liabilities, to be 'disposed of as said State may direct; but in no 'event are said debts and liabilities to become a 'charge upon the Government of the United 'States." The creditors of Texas were thus notified before the annexation, that the United States would not be bound for its debts, and the public lands of that State were to be set apart to secure the payment of those debts by that State in the event of her accepting the offer of annexation upon the proposed terms. These conditions were accepted by Texas in her act of annexation; and I presume that by those reciprocal acts of mutual legislation, each of them passed upon conditions, the two Governments were as much bound to each other as if the obligation had been incurred under a treaty. I need not argue that point. By those acts the State of Texas became bound to apply her lands as security for the payment of the debts which she owed at the time of the annexation. By that act, too, the creditors were warned that the United States would not be bound for those debts; and as no complaint against the act of annexation or its terms was made by them, it might be fair to imply their assent, if it were necessary to establish that position for the sake of the argument. But as it is not, I waive that point.

The State of Texas was thus annexed to the United States. The United States, it is true, took from Texas its revenue from the customs; but it is also true that the United States relieved it from the charge of a separate army, a separate navy, and a separate diplomatic establishment. In other words, the United States relieved it probably from a burden far more than equivalent to any benefit derived by it from revenue from the customs. Previous to the annexation, Texas had been in an uncertain condition. Its future prospects were uncertain, to say the least of them—so uncertain and so gloomy as to retard settlement and prevent emigration, and the rapid development of its resources. The moment the act of annexation was consummated, the whole state of things was changed. The broad ægis of the Government of the Union was extended over it. Settlement became safe; the country filled up rapidly; and I think that no man can doubt that the creditors of Texas, supposing that they looked only to the State of Texas for the payment of their debts, were placed in a better condition after the annexation than before, when they looked to Texas, even with its whole revenue, for the payment of their debts. I presume that at a time just previous to the period of annexation, if you had put that question to the creditors of Texas, there would not have been one dissenting voice; all of them would have preferred to take their security after the annexation upon the terms prescribed in the act of annexation, than to trust to their chances to the State of Texas alone, if there had been no annexation.

But, sir, the State of Texas was young. It was

encumbered with the debt of its revolutionary war. It had vast resources, but they were undeveloped. It was not ready to pay at once. It was in the condition in which our own Government was described to have been by the Senator from Maryland, immediately after our Revolution, and her creditors began to cast a wistful eye towards the Treasury of the United States. We begun to hear it said by them that the United States were bound to pay the debts of Texas, because the United States were in the enjoyment of the receipts from the customs of Texas. The United States have never acknowledged that obligation to this day. It was not acknowledged in the resolutions of annexation, or at the time the boundary act was passed. That act provided that $10,000,000 should be paid to Texas; and inasmuch as that act diminished that fund—to wit: the public lands—which had been established by the act of annexation as security to the creditors of Texas, it substituted what was more than an ample equivalent; it substituted a provision that $5,000,000 of the amount granted by the act should not be paid to the State of Texas until the creditors or at least, all of those for whose debts the customs were pledged, should file their releases in the Treasury of the United States. Thus it will be perceived, that the Government of the United States, throughout the whole matter, adhered to its original theory, to wit: that the debt of Texas, previous to the annexation, was the affair of Texas, and not of the United States. It is provided in the boundary act, that $10,000,000 should be paid—to whom? Not to the creditors—no, sir—but to the State of Texas; reserving, however, the right to retain $5,000,000 in the Treasury of the United States until those creditors who had been secured on the public lands should file their releases in the Treasury of the United States; so that, so far from this provision in the boundary act being a recognition of an obligation on the part of the United States to pay the debts of the State of Texas before the annexation, it is an adherence to the original idea that the debts of Texas were the affairs of Texas, and that the United States would do no more than secure to the creditors whatever was to be received by the compact with the United States, from its public lands.

The State of Texas, in looking into those obligations, has chosen to say that she owed but a certain sum, and that she would scale those obligations; that she was not bound to pay what appeared to be due upon their face, but would only pay the amount of cash value which she had actually received; and I understand from a member of the House of Representatives from the State of Texas, that the table upon which the debt was scaled was one which the creditors at a meeting originally presented as a scheme which they would be willing to take. The State of Texas scaled the debt according to that table; but the creditors finding that they could not receive dollar for dollar from the State, or that they would not receive, according to that law, even the whole five millions, have now come back upon us, and a proposition is introduced here to pay them not only the five millions for which we were bound by the boundary act, but to pay them instead, $8,333,333 33⅓—that is, such a principal sum as will amount, at three per cent., to the same annual interest with five millions at five per cent.

I object to this proposition for several reasons. One is, that if we do this, we assume for the United States a liability for the debt of Texas. Another is, that after assuming that liability, if we discharge it as is here proposed, we do what we are reproaching Texas for doing—we are repudiating a portion of the debt and scaling it; for this sum will not pay dollar for dollar on the face of the obligations for which, according to the Secretary of the Treasury, the revenues from the customs of Texas were bound; and in the next place, not only is it an act of repudiation in that point of view, but it is laying violent hands upon money which we promised to pay to Texas, for the boundary act provides, not that we should pay it to the creditors, but to Texas herself, when the creditors should have filed their releases.

Suppose that we were to pay these $8,333,333 33⅓, does any man suppose that Texas would not come in and claim the $5,000,000 which were due to her by this statute, this solemn compact, upon the consideration of the vast domain which she ceded for the $10,000,000? She would come in, and I do not hesitate to say that she would be entitled to the $5,000,000, if she chose to demand it. She has given the land, and she has a right to insist that we adhere to our compact, whatever it be, and we have no right to refuse to do it. I admit we may refuse to pay these $5,000,000 until these creditors file their release, but we have no right to take that fund out of the Treasury, and distribute it, upon any principles which we may choose to establish, amongst these creditors. In other words, we have no right to take one of the sovereign States of this Confederacy, and put it under a commission of bankruptcy; none whatever.

But I perceive that an attempt has been made by the honorable Senator from Maryland, with that ability and ingenuity for which he is distinguished, to show that we are not in effect assuming the liability of the debt of Texas by paying the $8,333,333 33⅓ instead of $5,000,000, because he says, in point of fact, the two sums are equivalent. Why, Mr. President, there is an easy answer to this. If the eight and one third millions of stock, payable at the end of twenty years, with an interest of three per cent., is worth more to the creditors of Texas than five millions at five per cent., to run for fourteen years, it must cost more to the United States to pay that sum. That is simple enough. But, sir, it is a question of arithmetic—it is one of figures, which is very easily decided. Eight and a third millions with three per cent. interest for twenty years, will amount to thirteen and one third millions; that is, at the end of twenty years, when we shall have paid the three per cent. interest, and when we come to redeem the principal, we shall have paid in the whole thirteen and one third millions. Five millions at five per cent. for fourteen years, after the time is elapsed when we have paid interest and principal, will amount to $8,500,000. So that one proposition costs more than the other, according to that calculation, by $4,833,333 33⅓. Or take it in another way. Take it according to the present value of the stock. I made inquiries last summer, and was informed that it was the opinion of an intelligent financier and dealer in stocks in New York, well acquainted with such things, that at that time a three per cent. stock, to run for twenty years, would yield what the Senator from Maryland said, to wit: eighty-five cents in the dollar. So that the present value of eight and one third millions, or the value at that time for which it sold in the market, would have been $7,083,050. At the same time, the then value of five millions of five per cent. stock for fourteen years, which he estimated at 106, would have been $5,300,000. So that this proposition is dearer to the United States than the other by the difference between $5,300,000 and $7,083,000. Or, if I chose to go into it, there is another way of calculating. I might take the present value of the eight and one third millions payable twenty years hence, and add to it the value of an annuity for $250,000 for twenty years; and upon applying the same principle to a five million loan, we should find almost as great a difference as in any of the modes in which I have presented the calculation. But there can be no doubt about this. There can be no doubt that when we pay eight and one third millions in three per cent. stock to run twenty years, we pay more than if we paid what the boundary act requires us to pay, viz: five millions of five per cent. stock having fourteen years to run.

It is obvious, then, that upon this proposition we shall pay more than we are bound to do by our boundary act; and if we pay it, we must do so upon the principle that we are bound for that debt of Texas If our obligations extend beyond that act and cover a part, they cover the whole This, sir, must be manifest to all.

But if we pay the eight and one third millions, and no more, upon this supposition, is it not obvious that we are doing the very thing for which Texas is reproached? If these eight and one third millions be worth only eighty-five cents on the dollar, and if the debt, for which the customs of Texas were bound, amounts to eight and one third millions, as the Senator from Maryland has stated—and it amounts to more, as I shall presently show—is it not obvious that we are paying that debt at eighty-five cents on the dollar, instead of paying it according to its face? If we owe it, what right have we to scale it in that manner? Or if we do scale it in that manner, how does it lie in our mouths to charge Texas for having adopted a similar scheme? If we are to scale it, there must be some discrimination such as Texas has made. The man who furnished a dollar's worth for every dollar for which the State is indebted to him, must be entitled to more than the man who furnished but twenty-five cents' worth on the dollar. If they are to be scaled, there must be some equitable principle upon which it should be done.

But I deny that the United States are liable for the debt of Texas. I deny that they are liable for the debt of Texas according to the law of nations or the law of nature, and I think I can show it. I know that there is a great array of very respectable opinions—nay, sir, of the highest legal opinions amongst living authorities—opposed to my view; but I must say, from the examination which I have given to the subject, that these opinions seem to have been very loosely and hastily given.

We have the opinion, first, of Mr. Reverdy Johnson. Mr. Johnson says:

"That whatever rights belonged to each State separately before they were united, will afterwards be the rights of the collective State, and the *same obligations that each State were under separately before, the collective State will be under afterwards.*"—Grotius, v. 2, ch. 9, sec. 9.

Let us see now, how far his authority sustains him. I will read the whole of section nine, of chapter nine, of book second, of Grotius, which is as follows:

"But if two nations be united, the rights of neither of them shall be lost and become common, as the rights of the Sabines first, and afterwards of the Albans, were transferred to the Romans, and so when they made one State, as Livy expresses it. The same may be also adjudged of kingdoms which are really and truly united, and not only by a treaty of alliance, or because they have but one prince."

Now, according to Mr. Johnson's quotation from Grotius, the same obligations which each State was under separately, the collective State was under afterwards. Not at all. Mr. Johnson gives us his own inference instead of the text, which refers to a different matter. To understand the text we must look to the instance, which is taken from the early dawn of Roman history—from its early twilight, if I may use the term—and refers to the old history of the adoption of the Sabines and Albans by the Romans, into the rights of citizenship. Livy says in each instance to which Grotius refers, that they were carried to Rome, and there admitted equally to the rights of citizenship; and yet upon this instance, doubtful as it is, so remote, so ancient, is to be founded this grave principle of public law, by which we are to be charged with these $8,000,000. Sir, I know that it was said that the Romans stole the Sabine women, but I believe it is nowhere recorded, either in history or fable, that they ever paid a Sabine debt, or the debt of any other people whom they ever conquered or united to their empire. Such a thing is not found even in the myths of that early day, much less in history. And yet, upon that old instance thus stated by Grotius, and thus unconsciously perverted—because I know it was not designed by that distinguished gentleman—we have the grave position laid down that we are bound to pay the debts of Texas. Where is it to be found in Roman history that the Roman people held themselves bound for the debts of conquered provinces? Where can the instance be shown? Grotius was too well read in that history to make such an assertion.

Next comes the opinion of the Secretary of the Treasury. He is a little more cautious. He says that—

"It will be found that all writers on public law, having any authority, are agreed upon this point from the time of Grotius to the present. Indeed, the proposition thus asserted is so obviously just that it is not possible for a nation in modern times to controvert it without forfeiting that character for justice and probity which, happily for mankind, has become indispensable for sovereign States."

This reference is so general, that I do not know how to meet it. I can only stand on the old maxim—*De non apparentibus, et non existentibus, eadem est ratio.* When the authority is presented, I hope and believe I shall be able to meet it.

The Senator from Maryland is a little more precise. He quoted a dictum of Wildman, taken from Vattel, and founded upon a single instance in German history. I mean the cession of Sile-

sia by the Empress of Austria; a cession made in her right, as Queen of Poland, to the King of Prussia. That was done by the treaties of Breslau and Berlin, about the year 1742, as the Senator from Maryland has said. But it must be observed, when you come to look at this, that the instance referred to does not sanction the principle as laid down by Vattel and Wildman in these general views. Allow me, however, to go one step further before I come to analyze the instance, and show what principle it does justify. I say if that principle were acknowledged by nations as they have stated it, their own case would not be in point here, because when Silesia was united to Prussia, she lost all her former nationality; if, indeed, she could be said to have had any; it was totally merged, and she had no Government left but that of Prussia. She did not reserve an independent Government like that of Texas, with independent resources left her afterwards to which her creditors could refer.

But, sir, I maintain that the instance itself does not sanction the position as laid down by these writers. Why, sir, what was the treaty of Breslau and Berlin? It was a treaty which closed one of those long wars between the Empress of Austria and the King of Prussia. It contained a variety of mutual stipulations; it contained stipulations with regard to religious rites. It ceded Silesia here, and it ceded to the Empress of Austria certain rights in Bohemia there. It settled all the matters in conflict between them, and it was provided, inasmuch as the Empress of Austria had made this cession, that a debt which she owed, not as the owner of Silesia, but as the Empress of Austria, which had been hypothecated upon her revenues in Silesia, should be transferred to the King of Prussia. And what was more natural? It was a debt due to the English and Dutch, and secured upon this branch of her revenue, not as a debt of Silesia, but as a debt of the Empress. And it is to be observed, that the guarantor to that treaty was the Government of Great Britain, which promised to bring in the United Provinces as joint guarantors with itself. What so natural as that in the arrangement of this treaty and the settlement of these mutual equivalents, the Empress of Austria should have provided for the convenience of the parties guaranteeing the treaty, and for the convenience of all the parties to the treaty, that she would pay off her debt to England and Holland, by simply transferring to them the obligation due to her from the King of Prussia? Now, sir, to have made this a case in point—and these authorities seemed to be conscious of it, for they say that without the treaty it would have resulted from a natural law—this ought to have been the state of things. If the Empress of Austria had ceded Silesia without saying one word about the debt to the King of Prussia, and the King of Prussia had paid the debt on the ground that it went with Silesia, then it would have been a case in point to establish the law of nations, as Vattel has laid it down. But this was a mere matter of arrangement between the parties, made not on account of any obligation under the law of nations, but for mutual convenience. And again, I say, that even if it established that, it would fall far short of the case now before us, because in the case of Texas, resources were left to her, which were large enough to meet her debts; a separate and independent government was left to her; she remained a sovereign State, and there was ample security for her creditors.

But let us go a little further, because I wish to trace this principle which has been laid down as one of national law, to show that it never has been regarded by the nations of the earth as national law, and will probably never be so regarded. There are other instances in which one nation, on account of conquering or obtaining by cession the provinces of another, has been bound by its debts. But I believe I may safely assert, that in all these cases it was a matter of express treaty stipulation. As a proof that this was done by arrangement, and not from any view of being bound to it by the law of nations, it will be found that whenever provinces have been taken without any treaty, the conquering nation never has paid the public debt, or any part of it, for the nation from whom the territory was wrested. Thus, in the treaty between Denmark and Sweden, where Norway was ceded by Denmark to Sweden, and Swedish Pomerania was taken by Denmark—I speak of the treaty of Kiel, in 1814—it was specially provided, as a matter of arrangement and calculation, that Sweden, taking Norway, should pay a certain portion of the debt of Denmark; and Denmark taking Swedish Pomerania should pay the debt of that province. But, sir, just before that, a treaty had been made between Sweden and Russia, at Fredericksham, in 1809, under which Sweden lost Finland. There was no stipulation about the debts, and none were ever paid by Russia for Sweden, because the matter was left to be regulated by the law of nations, which prescribed no such thing.

But how was it with us? We took a portion of the territory of Mexico. Well, sir, if the law is good for the whole it is good for a part. If we would have been bound for the whole of the debt of Mexico to third parties if we had taken the whole of Mexico, it would seem to be but obvious justice that we should be bound for a part of the debt of Mexico, when we took a part of her territory. But when we took a part of her territory, were we bound for any portion of its debts? Just as much as we are bound for the Texas debt, incurred before annexation. If this principle were true as a principle of public law, we should be bound to pay a portion of it. How would it operate? Suppose we were to take the position, and admit that we should have been bound for the whole debt of Mexico, if we had conquered it, what is the result? Why, she could have obtained what funds she pleased to fight us with; because the creditors would know that they would be paid in any event. If Mexico succeeded, she would be bound; if we had conquered and absorbed her, we should have been bound to pay the very debt she had contracted to fight us with. Could there be any such principle under the law of nations? Does the history of nations show any such practice to sanction such a principle? Are there precedents for it? None, sir. The only case which has been produced, is one of special treaty stipulation, and it was a case in which it was no debt of Silesia, but a debt of the Empress of Austria, hypothecated upon her revenues in Silesia, and under circumstances which showed the manifest convenience of making this special arrangement. Why, sir, we have come to a pretty pass, if, notwithstanding our own act upon that statute-book, where we affirm that we were not bound and would not be bound, we are made to pay this debt upon such *dicta* as these, and drawn from such precedents as the history of old Roman transactions with the Sabines and Albans may furnish us with upon such a subject as this. Are, then, the authorities to be produced here to saddle the United States with such a debt as this? I hardly know, sir, how to characterize such a pretension. It is not the law of nations; and so far as we can judge the matter, we have settled and decided that question. We decided it in the joint resolutions of annexation, and we adhered to that theory of our obligation in the terms of the boundary act itself.

That the principles to the extent to which Vattel has carried them are not sustained by the practice of nations, and cannot be true, I think I have proved. Still, sir, there is some foundation of truth for them, and to some extent he is sustained by the practice of nations. When one nation conquers another, a third party which holds a right of way or fishery within the limits of that conquest, does not lose its rights thereby. To argue that, the third party must be conquered, and that is not pretended. Its right to this use of territory is as perfect as if it had held a portion of the soil itself. This right is very different from the one set up here. The one is compatible with the rights of conquest, the other not; the one is capable of definition and capable of enforcement, the other is indefinite and incapable of enforcement.

Well, sir, if we are not bound by our own stipulations, and not bound by the law of nations to pay this debt, how are we bound? Are we morally bound? Why? If so, it can only be because that the fact of our taking the customs of Texas has disabled her from paying her creditors, which it may be maintained would not have been the case, had she never been annexed. If, on the other hand, Texas was placed in a position, and in circumstances of greater ability to pay these debts in consequence of the act of annexation, although she lost her customs, than she would have been without the act of annexation, the creditors have no moral claim against us, because we have improved their condition. How is it, sir? We all know that the effect of the annexation was to give her peace, and to encourage settlements, and facilitate immigration and population. We all know that the State of Texas, as a State, was amply labe to pay the debt which she had conteracted. She had a hundred millions of acres of land which were bound for that debt. She had, last year, at the time I made inquiries into that subject, between eight and nine millions of money in her Treasury and in our Treasury together, which she might have applied to that purpose. In order to show these facts, I would like to have read a letter which I received from one of the gentlemen who represent her on this floor.

The Secretary read as follows:

WASHINGTON, *August* 23, 1852.

DEAR SIR: I have received your note, asking, "first, What is the amount of the United States indemnity now in the Treasury at Austin?

"Second. What is the estimated quantity of the public domain in Texas?

"Third. Since the act of 1851, are you aware that the creditors of Texas have by any authorized committee petitioned her Legislature to pay the difference between the scaled rate and face value of the securities and certificates of stock of her public debt?

"Fourth. What do you estimate the first class, or, in other words, the debt for which the revenues were specially pledged, estimating the interest to the 1st of April, 1853, according to the admission of the Secretary of the Treasury of the United States?"

By the first inquiry, I presume you desire to know what amount of the $5,000,000 already paid over to Texas remains in her treasury. I am informed, upon what I regard as good authority, that she has appropriated to the payment of a portion of the debt decided by the Secretary of the Treasury of the United States not to be included in the proviso in the boundary act, $1,096,833 12, which, I presume, has been paid. I understand that about $200,000 have been appropriated for other purposes, which would leave in her treasury $3,794,166 88, besides the interest on the $5,000,000. The Legislature of Texas has appropriated $3,480,297 52, to be paid to the creditors included in the decision of the Secretary of the Treasury of the United States, on condition that the proviso in the boundary act be so modified by Congress as that Texas may receive from the Treasury the amount for which she may file the releases contemplated in the proviso of the said act.

To the second inquiry: I think the public domain of the State is estimated at not less than one hundred millions of acres.

In answer to your third inquiry: I believe some three or four creditors did so petition. The largest number, I understand, have not, either by themselves or any authorized committee, taken any such steps, and I am informed that no definitive action was had upon the petitions that were filed.

Your fourth and last inquiry presents an interrogatory which it is difficult to answer, as it involves several questions, arising out of the laws of Texas, and the decision of the Secretary of the Treasury of the United States, of the 13th of September, 1851. I inclose you the joint report of the Auditor and Comptroller of the State of Texas, dated 12th November, 1851, subsequently to the Secretary's decision, which shows that the total ostensible debt, including interest, is $12,436,991 34. If you deduct from that amount $1,738,872 27, decided by the Secretary, as I understand his decision, not to fall under the proviso, it would leave $10,698,119 07, not including the additional interest which seems to be contemplated by the report of the Committee on Finance.

I also inclose copies of the several acts of the State of Texas in relation to her public debt.

Yours very truly, THOMAS J. RUSK.

Hon. R. M. T. HUNTER,
Chairman Committee on Finance,
United States Senate.

Mr. HUNTER. Mr. President, so we see that to meet this debt, which at its highest estimate is $10,000,000, Texas had one hundred million acres of land, and at that time last summer, between eight and nine millions of dollars in her Treasury and the Treasury of the United States together. Sir, she was at that day, and she is at this time, in proportion to her population, perhaps the richest State in this Confederacy. There is no State better able to meet the demands upon it, the legal and just demands upon it, than Texas. How, then, can her creditors say we are morally bound, if we, by the consequences of this annexation, have contributed to such a state of the treasury as exists in Texas? Can it be said that we have diminished her pecuniary and fiscal ability to meet her liabilities by this act of annexation with the conditions presented? Not at all. We have increased that capacity; and I believe that we took away from Texas a source of expenditure fully equal, ay, sir, greater, in the event she had remained an independent nation, than her customs

would have met. How is it with us? Our customs, together with the receipts from the lands, hardly maintain this Government in the discharge of just such functions as the State of Texas was relieved from by the annexation. This Government is employed in managing our foreign relations and those between the States, which would have been an additional source of expenditure to independent Texas. To meet these obligations we have expended our whole revenue and are in debt. Is it likely, then, that under the state of things which existed before annexation, the revenue derived from customs by Texas would have sustained her army and navy and foreign diplomatic establishment? I hazard nothing in affirming that it is not probable that the revenue from customs would have sufficed to maintain her independence and her relation to foreign nations. If, then, we are in any way answerable to the creditors of Texas for having deprived them of the means of collecting their debts, it is not because we took from Texas the pecuniary and fiscal capacity to pay it, but because we took from her the desire to do so, and lowered and injured her moral tone. Will that be maintained? Will it be said, that although Texas is able, as everybody admits she is, she will not do it, because of any injury to her moral tone by annexation to the United States? That, sir, is the only ground that can be maintained. It is manifest, if we are to be charged with preventing Texas from paying her creditors, that she is able to pay now, and if we are accountable at all, we are to be charged not because she cannot, but because she will not pay these debts.

With regard to the mode which she has taken for disposing of these debts, what concern is it of ours? Have we a right to intervene between a sovereign State of this Confederacy and its creditors, and say how it shall settle those debts? Are we not bound by those courtesies due from one Government to another, to abstain from such a course of legislation as that would be? For how could we offer a greater insult to a State than thus to put it under a commission of bankruptcy?

Mr. President, are our own hands so clean, according to the history given of our previous financial transactions by the honorable Senator from Maryland, that we can afford thus to intervene, in this summary and high-handed manner? Why, he tells us we scaled our own obligations after the revolutionary war, because we were not able to pay them. If we were not able to pay them then, we have been since. There is a petition now before the Committee on Finance, praying us to pay one of those old revolutionary certificates according to its face. And if we are going to take up this principle of paying every debt due, according to the face of the obligation, why do we not go back and pay our own revolutionary debts, scaled in the ratio of one hundred to one?—scaled, as well as I recollect, upon the principle of paying only the specie value of the certificate at the time of the funding of the debt. Suppose we were to apply the same principle to the Texas debt, how do we know that it would amount to any more than Texas has agreed to pay? But is our Government, or is Texas the only Government that has done this? Did not Great Britain herself in effect repudiate her debt during her wars with Napoleon? Did she not suspend specie payments by her banks, and pay her creditors in depreciated paper? What was that but a virtual repudiation to a certain extent? And what nation that has dealt largely in paper money has not done it?

But at the same time that I say this, I would express the hope that Texas, which has such ample means, will provide for the payment of all that is justly due from her. I believe that ultimately she will. I am not authorized to speak for her. I do not know what is due, nor is it my concern to inquire. All I know is, that there is a stipulation to which I am bound to look, that these five millions shall not be paid without the assent of Texas and the release of the creditors. When I say without the releases of the creditors, I do not mean to be understood as being opposed to paying those separately who are willing to take what Texas tenders, and to release the United States from further demands. I am bound to that, not by the law of nations or the law of nature, but by our own special obligation, and I will stand to that; but beyond the express obligation of the boundary act we are not bound to pay one cent. Especially would I not pay it in this discourteous manner towards one of the States in this Confederacy.

Sir, let us look a little further into this matter, and see to what it would lead us. If this demand is sustained at all, it must be upon the ground, that inasmuch as we have the customs of Texas and are enjoying a portion of her revenue, we are bound to pay her creditors, because the public creditors are entitled to all before any portion goes to domestic purposes; and that our Government in its operation upon Texas, *pro tanto*, is for domestic purposes, and that therefore we are bound to pay. I say that if it can be sustained at all, it is only upon this ground, for the other pretensions are manifestly without foundations of justice. There is no such obligation under the law of nations, and if we take this position, how will it be with our repudiating States and their foreign debtors? May not those foreign nations, which are accustomed to collect the debts due to their citizens at the point of the bayonet, come forward with much more reason and say to us, "Here are the States of your Confederacy that have contracted debts. We are in the habit of dealing summarily with other nations. You interpose between us and them, and say we shall not collect our debts, and not only that, but you collect your own dues from them for domestic purposes. You collect your customs from them, and yet you do not pay us one cent. Now you must do one of two things: You are bound either to pay us, or you are bound to let us collect our debts from these States as we collect them from other nations." Would not that be a stronger argument for the assumption of any State debt due abroad than the argument here urged in relation to the Texas debt? I think it would be.

I think there is but one safe ground on which we can possibly stand, and that is, that the persons who deal with the States of our Confederacy take the risk, because they deal knowing the relation in which they stand to us, and to the rest of the world. And so those who dealt with Texas knew the risks when they were dealing with her and charged her accordingly. There is no doubt that they charged Texas for everything furnished her with profits enough to cover the insurance.

Sir, we tread here upon dangerous ground; let us take care how we commit ourselves to principles which may possibly have so dangerous an application in the future. The principle as laid down by the creditors of Texas may serve their own purposes of present convenience; but the United States, I think, in view of the peculiar form of our Government, should hesitate long before they adopt it. I do not believe myself that it is a principle either of the law of nature or of nations; for that cannot be said to be a law of nations which nations have never sanctioned by their usages and practices, whatever may be the opinion of elementary writers in regard to the subject as a matter of abstract inquiry. But I will not further prolong my inquiry into the question before us.

It was my purpose to present as briefly as I could the facts of the case, and the reasoning which has led me to a conclusion so opposite to that at which the honorable Senator from Maryland has arrived, and having done that, I take my seat.

TEXAS DEBT.

SPEECH OF HON. SAM HOUSTON,

OF TEXAS,

IN THE SENATE, *February* 11, 1853,

On the bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850.

Mr. HOUSTON said:

Mr. PRESIDENT: I am very reluctant to occupy a moment of the precious time of the Senate, and particularly when other matters which are, in the estimation of honorable gentlemen, of so much urgency are pressed upon the attention of the body. But the bill before the Senate seems to implicate the character of the State of which I am in part the representative on this floor, and demands of her Senators at least an explanation. If they are incapable of vindicating her reputation; if she cannot be justified in the course which she has adopted, no excuse will be rendered for it, and to determine upon the merits of her claims to consideration and to the due regard of her sister States, it is proper that we should advert to the circumstances under which those debts originated, and under which they are held by the present claimants.

Texas, when she rose from her revolutionary struggle, did not owe much more than $2,000,000; and more concurred in the opinion that she owed but a million and a half than that her debt exceeded two millions. This constituted the amount of her entire liabilities at that time, and up to the year 1838. From the period of the commencement of her separate Government, in the fall of 1836, down to the winter of 1838, her entire debt did not exceed $2,500,000, embracing all her liabilities; and her entire currency in circulation was less than half a million. It was from 1838 up to the end of 1841, that the debt accumulated from two and a half millions to the enormous sum of twelve millions of dollars. This was not, as gentlemen seem to understand it in most instances, a debt created by the sale of bonds, pledging the faith of Texas for their redemption; for a little more than one million of bonds are all that are outstanding against Texas. The other debts have resulted from her currency. The impression has gone abroad that Texas was placed on a footing with other States, Indiana, Illinois, Pennsylvania, Mississippi, and others, who sold their bonds at a depreciation, and that, therefore, the question would not arise whether she received the full value of those bonds or not; but that she was bound to pay them at their face; that she had received the most that could be obtained for them, and that the risk justified the depreciation of price at which they were purchased.

I know that these are the impressions which have gone abroad throughout the community; and if Texas, when her credit was low and depressed, had been compelled to raise means for the support of her armies and for the expenses of her civil list, and had for that purpose sold bonds calling on their face for a hundred cents to the dollar, and had only received fifty cents, she would yet have been bound in good faith to redeem them according to the letter of the liability, and would have had no excuse for shrinking from punctually meeting her obligations but inability to pay her debts. But when we look into the nature of the liabilities of Texas, we find that, with the exception of about one million of dollars, they are of a very different character from what has been generally supposed. Texas issued promissory notes. Up to 1838, these passed currently at par. A change in the administration of the Government then took place, and the first act of the new Administration was to raise new regiments for the purpose of defending the frontiers, as it was said, and then, although the previous amount allowed to the Executive for frontier defense had been inconsiderable, it was swelled up by appropriations to the amount of a million and a half of dollars, and the civil list had no less than half a million appropriated to support it.

The throwing of these two millions of dollars of promissory notes into circulation, had the effect of lowering the value of the former currency, and the whole depreciated at least fifty per cent., and gradually declined from that to the lowest point of depression. Successive issues were made, and the depreciation continued during the years 1839, 1840, and 1841; and in proportion as the issues were increased the depreciation went on. During that period immense expenditures were incurred and liabilities issued, for which there was not the semblance of authority. The Santa Fé expedition was fitted out, and must have cost more than one million of dollars; and that expenditure was incurred, not only without authority, but in positive violation of the expressed will of the two Houses of the Texan Congress, by a mere dictum of the Executive. The arms and munitions of war of the country were entirely expended in that expedition; and accumulated expenditures were bequeathed to the succeeding Administration. Thus issues to the amount of millions were made without authority, and they became valueless. In

December, 1841, Texas suspended payment because she was then unable to pay her debts.

But here let me ask, Who are these creditors who now come forward with such plaintive appeals to this body? Who are they who are imploring the commiseration of Senators: "Help us or we sink?" Are they men who were sufferers by the Texan revolutionary struggle? or are they men who speculated upon the individuals who went through the toils and dangers of that revolution? These promissory notes depreciated in the hands of men who had toiled and fought in the revolution, men who had there given their services and their energies to the cause of independence. In their hands the notes depreciated until they became valueless. They were then thrown upon the market, they were seized upon by speculators. At auctions, in the streets of our cities and villages, they were submitted to public sale and cried off at from three cents to five cents, "Going, going, gone." Then it was that these speculators came in and secured their claims to the generosity and clemency of Texas, and the feeling and commiseration of this body! There were no bonds sold in market for what they would bring; but these were promissory notes sold for a mere song under the auctioneer's hammer, and "in quantities to suit purchasers," for they were piled up as large as cotton bales. When they were cried up till they reached about three cents on the dollar, they would be knocked down to the bidder, and he would be told to go and select from the pile as many as he wanted; he might take a bundle as large as a cotton bale. [Laughter.]

That is the way in which these evidences of debt were obtained. These are the liabilities for which gentlemen claim a hundred cents on the dollar, and which were acquired at the rate of from one to three or five cents on the dollar. No doubt gentlemen in the United States thought the prospect was very fine; they knew that the Texans were descended from the Anglo-Saxon stock, and that they would maintain their liberty in defiance of every difficulty; for the American race never retreated, never took one step backwards, and that from the day they had impressed their footsteps upon a perilous soil, they would go on. Such gentlemen, perhaps, thought that if the Texans were involved in difficulties, they might venture to sell real estate and get money when there was a prospect of investing it in Texas depreciated paper to much advantage. No doubt under these circumstances gentlemen in the United States purchased large amounts of the promissory notes of Texas at ten cents on the dollar, and now come forward and claim one hundred cents on the dollar! To exemplify it more particularly, I will state, that such was the depreciation of Texas currency, that, for instance, if a judge, getting a salary of $3,000, came forward to receive it, and his demand was exhibited, he would receive in Treasury notes $30,000, based upon no issue of bonds, but upon credit. In his hands, the money depreciated, until, perhaps, it became worthless, and then it was thrown into the market in some village, and purchased up by speculators at from one to three or five cents.

This is the character of the Texas liabilities. This is the manner in which they have been bought. What justice, therefore, would there be in giving a hundred cents upon the dollar for their redemption, when they were acquired at rates varying from one cent to five cents? Is Texas bound in good faith to do it? Was the risk to these gentlemen worth the difference between three cents and a hundred cents on the dollar? I think not. Then, let me ask, has Texas evinced a disposition to pay her debts in good faith, and according to the rules of equity?

Upon these funds thus passed away at the most depreciated rates, and that were purchased up at a mere nominal rate, Texas has determined to pay upon none, no matter for what they were bought, less than twenty cents on the dollar, and from that rate up to twenty-five, fifty, seventy, and seventy-five cents, according to the dates of the issues of the notes, and the value at which they were issued, and also including, in most cases, the interest. This is the equitable principle upon which Texas determined to pay her debts. Does this evince a disposition to defraud her creditors, to involve her reputation, to repudiate? In these honest times, if a man gets his due, he is doing very well. Has not Texas done this towards her creditors? Texas, sir, has evinced no disposition to evade the payment of all equitable and just debts and liabilities.

I have every disposition to be very candid on this occasion, and therefore I think it due to the creditors, I think it due to individuals, and I think it due to the Government of the United States, to state plainly that I would not eschew one liability on the part of Texas, and transfer it to the shoulders of the United States. I would say to Texas, "Pay away the last cent in your coffers, bankrupt yourself, give away your hundred millions of acres of land, rather than throw the responsibility on the United States." If we were to be left destitute of a dollar, and without an acre of land available, the times then would not be as gloomy as those through which Texas has already passed. I would be sorry to see Texas not meet her just liabilities, and throw the responsibility of them upon the United States, and that then, through grace and tender mercy to the reputation of Texas, the United States should liquidate our debts.

I am for doing justice, and nothing but justice; but I am determined that something shall be understood in relation to this matter, more than the partial representation of the claimants was disposed to exhibit to the world. Who are those that are most clamorous against the injustice of Texas, and the wrongs which they have sustained from her? Are they men who have peculiar claims upon the sympathy of this body? Are they men who have peculiar claims upon the confidence of Texas? Are they men who blended their destiny with hers in her hours of trial? Are they men who marched with her armies upon their marches? Are they men who upon her vigils of peril watched with her? Are they men who toiled or starved for her? No, sir. They have sprung up, like dragon's teeth, around this Capitol within a few years; and we find the diffusive influence of this speculation upon multitudes that surround the Capitol. Members are besieged at every step with appeals, "Do this for us; do justice for us; save the reputation of Texas; be honorable, and it will do her some good." They do not say, in significant strains, "Fill our pockets, fill our pockets, will you?" though this is what they mean. They mean nothing else than to acquire, and to take away from either Government—I will not say ill-gotten gains—but what would be clear gains, if they got them.

The largest amount of the outstanding issues against Texas at this time arises from obligations that were issued from her treasury, for which she received but from sixteen to ten cents on the dollar; and now a hundred cents on the dollar is claimed for them, swelling the amount of her debts to millions. No matter how irregularly the debt was contracted by Texas, whether there was authority for the obligations issued or those brought in and funded; whether they were made without appropriations or not, Texas has estimated them, and placed them on a footing with the other equitable demands against her. She has extended equity when she might have caviled, and contended that, according to strict law, or common usage, she was not bound. Yet we are told that if Texas would only come forward and redeem her outstanding obligations at par, or pay all the money she has in her coffers, and the $5,000,000 reserved by the United States, she would establish a reputation above all suspicion; that she would then sustain herself with credit; that it would do her more honor, and make her a more glorious nation than ever existed. Sir, Texas as a State is only a part of this Confederacy; one of thirty-one; and she does not aspire to be more glorious than the United States, or the mighty nations of the earth. We find that they have perpetrated offenses against good morality and national honor, which Texas scorns to do. They have repudiated debts, not only revolutionary debts, but others contracted in good faith. This Texas has not done, and will not do. She has not repudiated one dollar of her revolutionary debt, and she will not do it. She will pay a hundred cents upon every dollar she has realized. Is not that worthy of admiration? Yet gentlemen say she would be glorious if she would pay the nominal amount of her liabilities.

When the United States repudiated—I do not claim that as authority, but I wish to bring it in array before the public mind—it was for an amount upwards of $240,000,000 of revolutionary debt. Has Texas done anything of that sort? Has she repudiated one just demand, amounting to a single dollar, of citizens of Texas who assisted her in her hours of difficulty? Not one. The United States repudiated millions, and hundreds of millions, held in the hands of war-worn veterans, who had toiled through a revolutionary struggle of seven years. The United States repudiated the revolutionary debt of the war of Independence, which commenced in 1776. Texas, during her revolution of nine years, did not repudiate one dollar that was held by her revolutionary soldiers. The United States, when they assumed the debts of the several States—the old thirteen—after the war of the Revolution, required the States to scale those debts, and paid them at the scaled rates. If we were disposed to be a little tricky, might we not follow these examples? But if we have been tricky, I do not know what fair dealing means.

We do not, however, claim the benefit of the high examples to which I have referred; but I think that in view of them it comes with a very bad grace from the United States to become administrator on the affairs of Texas, and to determine what are her liabilities.

The amount of $5,000,000 that was reserved in the Treasury of the United States, was reserved at the instance of creditors, who were importuning and surrounding Senators here when legislating on this subject. Some sagacious lawyer had discovered that the United States were liable when they acquired Texas, and received from her means which were intended for the liquidation of her debts. It was not intended by that reservation to determine what the debts of Texas were, but only the debts of a certain character for which the Government of the United States might possibly be held liable. When were they to pay these debts? When ascertained by Texas, and certified to the Treasury of the United States. That was the object of retaining the $5,000,000, as I understood it at the time, and I voted upon the subject in all good faith and confidence, satisfied, as I was, that the amount upon which the impost duties of Texas were pledged did not amount to $5,000,000, and that there would be a large residuum to Texas of that amount.

The President and Secretary of the Treasury of the United States, after the passage of that bill, determined, in effect, that the Government of the United States were liable for all the debts of Texas. It will be remembered that in the administration of the government of Texas from 1841 down to the time of the annexation in 1845, there was not one dollar of debt incurred, nor one liability created. From December, 1841, when the exchequer system was established, and the immense issues of $12,000,000 were suspended, $200,000 was the amount of the currency established by law, and that commenced to issue at the rate of a hundred cents on the dollar. A combination was directly formed of brokers and speculators, gentlemen alien to Texas, who wanted to filibuster, and subvert the Goverment, right or wrong, who said that if they were not admitted into its control or made participants of it, they would subvert it, if by no other way, by revolution. They combined, and by their combination immediately reduced the value of that currency from a hundred cents to seventy-five, and at one time it went down as low as twenty-five cents on the dollar. By economical issues, by extreme economy in the Government, the value rose again. But the Legislature which met annually consumed a large amount, and being opposed to the Executive, sought every possible means to embarrass him; and instead of requiring the taxes to be paid as under the previous existing laws, they repealed those laws for the collection of taxes, or postponed their operation for six months, so as to depreciate the value of, by lessening the demand for this currency, and thereby to embarrass the government in such a way that it could no longer exist. However, the good fortune that presided over Texas, and directed her path, did not desert her. The currency came up again, and was at par; but after a long session of the Texas Congress, it fell to fifty cents, and even as low as thirty-seven and a half cents; but it rose

again, and continued at par, in spite of all the combinations and machinations of faction, corruption, and treason. When that administration ended, in 1844, the government of Texas had not only accumulated in the treasury $25,000 of par funds in gold and silver, but it had paid all just and unavoidable demands to foreign nations, and to support the Santa Fé and Mier prisoners in Mexico, and to procure their release, not less than $70,000. So that the Texas debt, with the exception of $2,500,000 accrued between the years 1838 and 1841, not a solitary cent accrued in the administration which lasted from the end of 1841 to 1844. It will thus be seen the debt of Texas did not grow out of her necessities, and that the present creditors who come forward here with their demands, and who, according to their saying, helped Texas in her hours of trial and threw their money into the lap, instead of doing that, threw it into the lap of speculators. Not a dollar of it went to Texas which will not only be paid in par funds, but which will also I, trust, be paid with interest, and at a premium. There were bonds issued,—let them be paid to the letter and to the last farthing; but let those who have accumulated these obligations by speculation, and that too of a most enormous character, receive, like Shylock their "pound of flesh," or two pounds if you please, but "not one drop of Christian blood." Sir, if these men were the assignees, or the descendants of Shylock, they would reflect just credit upon his reputation. [Laughter.]

But, Mr. President, it is thought that it is immoral in Texas—that it is not a clever thing in her not to pay her debts. Now, I should like to ascertain by what standard of morality we are to arrive at the adjustment of her debts? Is it that standard of morality that pays a man not only what he has given, but a hundred per cent. in addition to that? Or is it the standard it is proposed to establish here, that when a man has given three cents for a dollar he is to get a hundred cents? Is it that rule by which we are to judge of the morality of Texas, and the advantage of her creditors? That would be a very agreeable one to the creditors, but I cannot see that it would be complimentary either to the heart or the head of Texas. I do not think there is anything smart in it. It may be smart for the creditors, but certainly most stupid for Texas. They are for fixing their standard of morality for Texas, and she is for fixing her standard of equity and justice for them; and the United States have no business at all with it one way or the other.

If, however, the United States are bound for the debts of Texas, they are bound for much more than this bill proposes to pay. The independence of Texas was not recognized by Mexico when it was annexed to the United States. The domestic debt of Mexico was then about a hundred millions of dollars. They claimed that Texas should pay a part of it. Propositions were even suggested before annexation, that if Texas would assume her proportion of the national debt of Mexico, the independence of Texas might be acknowledged. If the United States are now bound by the act of annexation for the debts of Texas to the extent that the means taken by the United States would have gone, the debt to the Government of Mexico is a prior one, and the United States are bound to Mexico for a much larger sum than they are bound to these creditors. Would you be willing to go back and settle that amount? Yet it has a priority over the present demand. Mexico never recognized the debts that Texas incurred by her revolution, and if you recognize that you are bound to pay them, you should also pay to Mexico the proper proportion of Texas to the one hundred millions of the domestic debt of Mexico.

It is true, the Government of the United States might justly bear a part of the liabilities incurred on the part of Texas, because a portion of the debt of Texas was entered into for the purpose of defending her frontiers against the Indians. What Indians were these? Were they indigenous to Texas? No, sir. Who were they? The Shawnees, the Kickapoos, the Choctaws, the Anadacoes, the Kechies, Wacoes, Caddoes, and other Indian tribes from the limits of the United States, who settled in Mexico, and made war upon Texas. It was therefore necessary for Texas to defend a frontier of six hundred or eight hundred miles against the inroads of these Indians. The Government of the United States was solemnly bound by treaty with Mexico to defend Texas against the Indians, to reclaim them to the territory of the United States, and to inhibit their crossing the frontier. Instead of that, what did the United States do? I intend no reflection upon them, but I intend to vindicate Texas, now a part of the United States, but then a part of Mexico. The United States had solemnly pledged their faith, by treaty, to give protection to the boundary of Mexico; but instead of that, they treated with the Caddoes and acquired their territory, forced them into the boundary of Texas, and paid them in arms, in munitions of war, in powder, in implements of slaughter and massacre, and those Indians drenched our frontier in blood. Weak as we were—pressed upon by Mexico on the one hand, and the wily and sagacious Indian on the other hand, watching his opportunity to maraud upon our frontiers and slaughter our men, butcher our women, massacre our children, and conflagrate the humble hamlets in which they had dwelt in peace, we incurred expenses to keep them off, and for this the United States are responsible, as they are for a hundred other violated pledges in relation to Indians.

But what is the real history of this matter? When the scaling of the debt of Texas took place, in 1848, there was an almost entire acquiescence on the part of her creditors. Some three or four, or perhaps five, were somewhat refractory, and having more sagacity than the others, they concluded that there was some important advantage which they would gain by coming here, and therefore they had recourse to the Government of the United States. They might then have had in view the idea of a reserved $5,000,000 fund out of which they would be enabled to get their demands by appealing to the sympathy of members; by trying to show that they were bankrupted by their liberality in their anxiety to help Texas in the time of her direst need. They thought that if they could represent successfully to the Congress of the United States that they had been munificent and liberal towards Texas, it would entitle them to some extraordinary interposition of the Government of the United States. They came forward after the compromise was proposed, but not until that time. They received a new impulse by the proposal of the compromise. Most of them had acquiesced prior to that time, and we now find that hundreds came in who were not then interested in the debts of Texas. Strangers have come in as participants in the interest and are to be the recipients of its benefits. This is the case, and none will deny that there has been a most extraordinary change. If it had not been that the compromise of 1850 passed, the Texas creditors would nearly all have received their money, or their proportion of it, by this time, and would have been at rest and quiet, each man consoling himself in the advantage of having made a handsome speculation upon his adventure. But it was thought proper that there should be an appeal to the generosity and magnanimity of Texas, and after her to the United States, and that they might make something, and could lose nothing by that course. In that way it is that these claimants have not only multiplied, but they have become more urgent in their pursuit for gain, and are now resolved that nothing will satisfy them but the hundred cents on the dollar, according to the face of the paper.

Well, sir, Texas has incurred liability. She issued bonds to a certain amount. Let her pay those bonds with interest, since she made a tender of them in the market. Let her pay for her vessels-of-war or navy; let her pay all the just contracts she has made; all the equitable liabilities arising from the currency which she threw into circulation. That currency became valueless in the hands of her own citizens, and was then grasped at by greedy speculators. Let her treat them, as she has done, with justice and fairness. It was twice in prospect to repudiate the debt of Texas. But did she do it? It was talked of, and a little encouragement might have produced the result. The conduct of the refractory creditors had no doubt stimulated it. But Texas did not repudiate a cent. Her Executive discountenanced it. It may be that an extract will be read here from the message of her Executive, in 1843, showing that she would pay the last cent which she justly owed. So she will. But if that message is read, let it be remembered that not a word of the extract is recognized until the whole message is produced here upon the floor, and the whole instrument construed together. It was then laid down as a principle that the Government of Texas would equitably redeem every dollar that she owed.

She had evinced a disposition to do it by submitting her public lands to entry at two dollars per acre when her notes were selling at three cents on the dollar; and she had kept them open for years subject to entry at that rate. She has gone further, and says it will be just to redeem money issued at a depreciation at the full value at which it issued from the Treasury with interest thereon. That is the act of Texas. What the refractory conduct of her creditors may do with the feelings of Texas I cannot say. Within a few years a total revolution has taken place in her population. The number of emigrants since annexation, I suppose has more than doubled or quadrupled the previous number of inhabitants. The interest on the money retained in the Treasury here will diminish the necessity of taxation by her. What her people may deem to be politic and expedient hereafter in relation to their debts I know not. I do not encourage repudiation. I hope it never will take place; but if it should, let those be accountable for the result who invoke and provoke their destiny. Let the sin lie at their doors. I hope it will never lie at the door of Texas; but those who have advanced, or who have contracts with her, shall be paid to the last farthing of what they have advanced.

A law was passed by the Legislature of Texas, after annexation to the United States, in 1848, by which it was provided, that any person coming forward and depositing fifty cents at the treasury of Texas, should take a receipt from the treasurer, and for every fifty cents received at the treasury he should be entitled to one acre of land. Certificates to the amount of more than half a million of dollars were deposited under this law, as I was informed, and land drawn, or land warrants issued, to that amount. These gentlemen have gone quietly and located their lands, and now realize several hundred per cent. How are the benefits of this bill to be extended to them? How are they to be recompensed for the losses which they have sustained, according to the plan of this bill? Are they to fall back upon the United States? Are they to become recipients of the benefits proposed in this bill, or, are they to be excluded?

But I am sure that the honorable gentleman who introduced this bill cannot object to the principle of Texas scaling. She is to be the judge of her own matters. She knows very well under what circumstances the debts or liabilities were contracted. She knows their character perfectly; and we find that the honorable gentleman who introduced the bill has not determined to pay according to the face of the paper, or of the demands of the creditors; but he, too, is for scaling the liabilities. He proposes that a certain amount shall be paid, and that, if that does not cover all the liabilities, the creditors shall receive it according to the proportion of their demands, and shall give a receipt in full. Now, Mr. President, as for the morality of the thing, whether one cent or one dollar, one degree or ten degrees of discretion at all changes the standard of morality, I am not prepared to say. I think Texas is the best judge of this matter; so that the United States would incur an additional reproach upon herself, if she were, by this law, to take it out of the hands of Texas to adjust her own affairs. Texas knows what her liabilities are: she knows all the circumstances surrounding them, under which they grew up, under which they dragged along, and by which they were managed. She knows, too, the influences and the means of their acquisition. But she is not acquainted with the means and influences that surround this Capitol, and which grow every day. I know it is perilous, eminently perilous, to oppose an influence so overwhelming as that of the claimants here. I have stood in perilous positions before, but when I felt badly, nobody knew it. I feel well on this occasion, and proud that I have a colleague who has realized all that experience could teach or suffering inflict.

Personally, to those who are the Texas creditors,

I have no objection. I look upon them as I look upon other speculators. I look upon them as I do on men who go into the market every day—men who wish to make, in their estimation, honest gains, and who would not have their consciences smitten if they made one hundred per cent. every day. That would not involve their honor, but it would, in their estimation, sustain the honor of those on whom they make the one hundred per cent. I want no more sympathizers with Texas. I do not want them to appeal in behalf of Texas, to rescue her honor. Her honor, her safety, her existence, her liberty, her independence, were once involved, and I did not see, in her direst need, and when clouds enveloped her in darkness, the face of one of those men who now claim to be her benefactors or her sympathizers. It was not until the last enemy had marked her soil—it was not until our star had risen in the east, and until it was attaining something like its meridian splendor, that the speculators were attracted by the hopes of gain. Then, in that proud day, they were willing to unite their destiny with her; but to grope their way in darkness, to peril their lives in conflict, to confront and grapple with the enemy, not one was there. Let them not talk of Texas' honor, Texas' renown, and Texas' escutcheon cleared. She cleared them herself, sir. It was not a speculation; it was a real transaction; and she will keep it clear. It is her best guardian under the ægis of the Constitution. I desire justice and liberality to all who aided Texas; and no matter how they have acquired their demands, give them an earnest for everything they have, and upon that earnest give them interest, and, if you please, be liberal, but let Texas have the credit of doing justice to her creditors, and let not the United States intervene to save *her* soiled honor, as it is called. She will take care of that article herself, and she will take care of her money, too, I trust, and make a useful application of it in paying all just demands, but not the demands of Shylocks. Sir, I have done.

COLONIZATION IN NORTH AMERICA.

DEBATE IN THE SENATE,

SATURDAY, *February* 7, 1853.

The Senate having under consideration the resolutions respecting colonization on the North American continent by European Powers, and respecting the Island of Cuba:

Mr. CLEMENS said:

Mr. PRESIDENT: When the Senator from Virginia [Mr. MASON] introduced his resolution in relation to the tripartite convention proposed by England and France, I was confined to a bed of sickness; but I gathered from the reported debates that he had consulted with no one but the Senator from Michigan [Mr. CASS] and the Secretary of State. Now, sir, I do not deny the individual right of those Senators, under ordinary circumstances, to exclude whom they please from their consultations; but this is not an ordinary occasion, nor are they ordinary men. One [Mr. MASON] is chairman of the Committee on Foreign Relations, the other [Mr. CASS] has had bestowed upon him the title of *Peter Senatus*. Whatever they do commits the party to which they are attached, and I think it but fair that those of us who are expected to be bound by their action, should have had some notice in advance of what that action was to be. I think, moreover, that the wishes of the President elect should have been ascertained; that prominent members of his own party should have hesitated before placing him in a position so embarrassing as that in which he now finds himself. If it should turn out, as I sincerely hope it may, that he does not accord with many of the opinions which have been advanced upon this floor, he is placed, in the very outset of his career, in direct opposition to leading members of his party. If, on the other hand, he should concur with them, it would have been more respectful to let him take the first steps, and not to have snatched, with such impatient hands, the wreath, (good or bad,) which his were already extended to grasp. On this, and on other accounts, the resolution of the Senator from Virginia seemed to me impolitic, and those of the Senator from Michigan, which are based upon it, equally indefensible.

Mr. President, there are periods in the history of nations, as of individuals, when one false move must be followed by years of suffering; when the neglect or improper use of the right moment, or the right occasion, infuses a poison into the body-politic no remedy can reach. We are approaching such a period, if it is not already upon us. From the line of conduct now to be adopted, much that is good, or much that is evil, will surely ensue. To render all I have to say perfectly intelligible, it will be necessary to enter upon a brief review of the past.

Heretofore the advice of Washington has been respected, and we have succeeded in steering clear of the tangled web of European politics. Besides, the growth of the American Union has been so rapid as to defy the calculations of European statesmanship. The merchant, when he found a rival taking away his most profitable traffic, the manufacturer, as year by year the demand for his productions diminished, the fisherman, when he saw Yankee sails invading the haunts of the great monsters of the deep, all these understood that a new power had sprung into existence, and felt that they were engaged in a rivalry in which European energy and European intelligence were destined to be overshadowed. But kings and cabinet ministers could not comprehend that a few scattered colonies, but a short time since a feeble dependency on the Crown of Britain, had indeed become a powerful nation. The monarch who looked back upon a line of a hundred sires, could comprehend no stable form of Government save that which was endeared to him alike by interest, and by educational prejudice. If, in his imperial dreams, the vision of America ever rose before his eyes, it was only as a people whose own unbridled passions would drive them into anarchy, whose turbulence and whose dissensions would furnish another reason to the world for committing all government to sceptered hands.

In the mean time, the neglected and despised Republic was moving steadily and rapidly along the road to wealth, to power, and to honor; but its strength was unmarked and its vigor unknown abroad. The war with Mexico followed. A little handful of citizen soldiers overran a nation of seven millions of inhabitants, and dictated the terms of peace from her national capital. Here was a lesson which even kingly dullness could not misunderstand, or ministerial servility misinterpret. Suddenly the whole tone of the public journals of Europe was changed. Prior to that time they had derided our progress and laughed at the feebleness of our military force. It was assumed to be impossible for a Government like ours to carry on a war of foreign conquest. Foolish editors, writing at the dictation of still more foolish masters, argued themselves and their readers into the conviction that the first summons of the drum to an aggressive war would be the signal of ruin and destruction to the Union. That summons came; a powerful nation was vanquished; and so little were the energies of our people taxed, that at home it would scarcely have been known a war was going on save for the reports of battles and victories which floated upon every gale from the South.

Thus vanished one delusion, and with it the old system of political tactics. It was no longer our weakness, but our strength which became the subject of comment. The aggressive spirit and the grasping ambition of America were portrayed in the darkest colors, and Europe was called upon to interpose some check to the territorial aggrandizement of the great Republic. Wrong in their apathy, they were roused from it only to involve themselves still more deeply in error by their action. From newspaper articles they progressed to diplomatic notes; and now, as we have been informed by the President, France and England have made a formal proposition to the United States, that the three Powers should unite in assuring to the Crown of Spain undisturbed possession of the Island of Cuba, through all coming time.

Now, Mr. President, I am willing to go with the Senator from Michigan, and to say that this proposition meant something. I am willing to say that it did not mean what it imported on its face; that it was known it must be rejected; and the idle form of making the offer would have been dispensed with but for ulterior objects. Let it be conceded that it was intended to intimidate the United States—to give us notice that France and England were watching Cuba, and were determined to resist any efforts upon our part to acquire its possession. But, sir, while conceding all this, I do not agree with that Senator as to the mode in which it is to be met. I do not think it is the part of wisdom, or sound policy, to permit ourselves to be hurried into intemperate action, because France and England have made a foolish parade of their future purposes.

To redeem a threat from contempt it is necessary that the party making it should possess the power of carrying it into effect. As long as English statesmen keep their senses, a thousand Cubas could not induce them to declare war against the United States. Withhold the exports of our cotton for one year, and their starving millions will be in open rebellion. We have heard not long since, in a time of profound peace, of banners borne by her peasantry with the fearful inscription, "Blood or bread." Who doubts that that cry would be reawakened, and who doubts that blood would furnish the first, the second, and the third course of the banquet to which she would be invited at home? Add to this the certainty of seeing one hundred thousand American bayonets glittering in the sunlight of Canada, and a thousand American vessels cutting up her commerce on every sea, and you have an amount of danger and suffering no nation will willingly brave. A member of this body, not long ago, declared that England had given bond and security to keep the peace towards the United States. Yes, sir, and that security is her life's blood, her very existence; not merely her provinces and dependencies, though I fancy she would consider it a poor exchange to secure Cuba to Spain and lose Canada herself; but she has something more at stake, and I regard any threats from that quarter as the veriest gasconade in which any Government ever permitted itself to indulge.

France is in scarcely a better condition. She has recently erected an imperial throne above the crater of a volcano, and he who occupies that seat must watch by day and by night, or an eruption will soon come to bury him and his fortunes beneath a burning flood. Even if the great Emperor himself now held the reins, a war with America would be destruction to France. To land an army on our shores would be to devote it to the sword; and the ocean is not an element on which any great portion of French glory has been acquired. I am not unaware that upon paper the naval power of France seems to be immensely superior to ours; but those who so calculate, lose sight of a great truth: guns and vessels do not constitute a navy. If every vessel on our naval register were, to-morrow, burned to the water's edge, France would no more be capable of contending with the United States upon the ocean than the oak of the forest is capable of resisting the thunderbolt of Heaven. It is seamen who make a navy; and wherever they are found vessels will not long be wanting. In this, the main element of success, we are far in advance of every European Power. Our fisheries turn out annually a body of hardy mariners, unequaled for skill, for energy, and for daring. It must be remembered, too, that our tonnage greatly exceeds that of any other Power. And as long as these advantages remain to us, the crumbling dynasties of the Old World may build war-steamers without number; but, whenever a contest comes, the best of them will soon be found sailing under Yankee colors. Vessels-of-war, manned by peasantry, are feeble foes.

Mr. President, I have referred to these things with no view of encouraging a spirit of aggression, but the reverse. The proposition of England and of France has been seized hold of to inflame the popular mind, and I had some apprehensions that the indignation and resentment excited by it might lead to offensive acts which could have but one termination. It is this which I wish to avoid. I wish to show that we can afford to laugh to scorn the implied threat hanging over us, and that this is better policy than yielding to the dictates of a hasty resentment. Cuba will be ours whenever it is right and needful for us to take it. Whenever the might of this Republic is put forth in a just cause there is no human power which can

resist it. Under such circumstances, we can well afford to wait until the pear has ripened. I have no sympathy with those who are so impatient to grasp the territory of our neighbors; nor do my opinions at all accord with those who tell us, with such a confident and self-satisfied air, that it is time this Government had a foreign policy. I believe we have always had a foreign policy, nay more, the very best that it was possible to adopt—the policy of attending to our own business, without attempting to assume a sort of general guardianship over all mankind.

I said, Mr. President, in the outset, that we were approaching a period of trial and of danger—but that danger does not threaten us from abroad. In that quarter the skies are clear and bright. It is at home that the symptoms of an approaching hurricane are manifest. These symptoms are everywhere about us and around us. They may be found in the restless and disturbed state of the public mind; in the speeches of dinner orators, dignifying war with the name of "progress," and clothing wholesale robbery with the mantle of patriotism. They might have been seen in the frenzied enthusiasm which followed the footsteps of that sturdy beggar, Louis Kossuth; in the wild and reckless attempts of American citizens to take possession of the island of Cuba. Sir, I deplore their fate as much as any man can, and condemn as strongly the cruel and barbarous conduct of the Spanish Governor. I but refer to them as evidence of a state of things to which all eyes ought to be directed. And last, sir, though not least, the signs of this danger may be found in the ill-regulated, but fierce and strenuous efforts of "Young America" to bring about a war with anybody or upon any pretext.

All these things indicate that a spirit of change is abroad in the land. I may be told that word is written on every earthly thing. Perhaps it may be so; but justice, honor, mercy, are the children of God, and know no change. In the sublime morality of the Christian's creed we may find a guide for our footsteps which cannot lead to error: "Do unto others as ye would they should do unto you." It is not in the book of revelations that we are taught to covet the goods of our neighbors. It is not there we are encouraged to indulge a lawless spirit of war and conquest. We do not learn from thence the duty of progressing backward from a peaceful age to a period of barbarism, when the strong hand was the only law, and the steel blade the only arbiter of disputed questions.

Sir, I have heard much of this thing called progress. In the eyes of some gentlemen, it covers all defects, and makes atonement for every error. I am not its enemy, but I wish to know exactly what it means, and in what direction I am to progress. If it means that glorious spirit which sweeps abroad upon the wings of peace, shedding life, and light, and happiness, on the land and on the sea; which sends the missionary among the heathen, and gathers the infidel and the unbeliever beneath the Gospel's ample shield, which doubles the productions of earth, and lays bare the treasures of ocean; which plants the church of God in the wilderness of the West, and substitutes the Sabbath bell for the howl of the panther; which carries literature and science to the log-cabin of the pioneer, and connects every part of this wide Republic by links so strong, so close, that the traveler feels every spot he treads is home, and every hand he grasps a brother's hand,—if this be the progress which is meant, most gladly do I enlist under its banner.

But, sir, I am not permitted so to understand it. I understand progress, as interpreted by modern politicians, to be quite a different thing. The first lesson they inculcate is a sort of general defiance to all mankind; an imitation of the worst practice of olden chivalry—the practice of hanging a glove in some public place as a challenge to every passer-by to engage in mortal combat—a practice, in no degree based upon wrongs to be redressed, or injuries to be avenged, but upon a pure, unmitigated love of blood and strife. They have borrowed also from the crusaders another vicious and indefensible habit—that of impoverishing themselves at home to raise the means of transportation to other lands to erect altars and inculcate principles by the edge of the sword. They propose to grasp the territory of an old and faithful ally, not only without the shadow of a claim, but without even the robber's plea of necessity; to hush the busy hum of commerce; to withdraw the artisan from his workshop, the laborer from his field, the man of science and the man of letters from their high pursuits; to convert the whole land into one vast camp, and impress upon the people the wild and fierce character of the followers of King Clovis.

Sir, I wish to indulge in no exaggerated statements, but let us, in the cant phraseology of the day, "establish a foreign policy." Let us set about convincing the world that we are indeed "a Power upon earth." Let us rob Spain of Cuba, England of Canada, and Mexico of her remaining possessions, and this continent will be too small a theater upon which to enact the bloody drama of American progress! Like the Prophet of the East, who carried the sword in one hand and the Koran in the other, American armies will be sent forth to proclaim freedom to the serf; but if he happens to love the land in which he was born, and exhibits some manly attachment to the institutions with which he is familiar, his own life's blood will saturate the soil, and his wife and children be driven forth as houseless wanderers, in proof of our tender consideration for the rights of humanity. Sir, this is a species of progress with which Satan himself might fall in love.

Mr. President, there are in this connection still other lights in which the question before us may be presented. Look at America as she now is, prosperous in all things, splendid, magnificent, rich in her agriculture, rich in her commerce, rich in arts and sciences, rich in learning, rich in individual freedom, richer still in the proud prerogative of bending the knee to none but the God who made us, and of worshipping even in His temples according to the forms which conscience, not the law, has prescribed. Gaze upon that picture until your soul has drank in all its beauty, all its glory, and then let me paint for you that which is offered as a substitute. Look upon a land where war has become a passion, and blood a welcome visitant; where every avenue to genius is closed save that which leads through a field of strife; where the widow and the orphan mingle unavailing tears for the husband and the father; where literature has become a mockery and religion a reproach; upon a people, strong indeed, but terrible in their strength, with the tiger's outward beauty and the tiger's inward fierceness; upon a people correctly described by the poet when he said—

"Religion, blushing, veils her sacred fires,
And unawares morality expires;
Nor public flame, nor private, dares to shine,
Nor human spark is left, nor glimpse divine.
Lo! thy dread empire, Chaos, is restored,
Light dies before thy uncreating word;
Thy hand, great Anarch, lets the curtain fall,
And universal darkness buries all."

Let no one tell me that these are imaginary dangers. At the commencement of the French Revolution, if any one predicted the excesses to which it gave birth, he would have been regarded as a madman. What security have we against the occurrence of similar scenes? We are human, as they were. Our law of being is the same; and if we once depart from the plain path of prudence and of rectitude, no human wisdom can foresee the result.

The present acquisition of Cuba, in my opinion, in any way, is of questionable propriety; but if it is to come to us as the result of war and violence, instead of a blessing it will prove a deadly ill. When Caractacus was carried to Rome, to grace the triumph of his conqueror, he gazed with wonder and awe upon the splendor and magnificence with which he was surrounded. Then, turning to the Emperor, he expressed his simple wonder that one so rich, so powerful, so blessed with the possession of everything that earth could bestow, should have envied him his humble cottage home in the forests of Britain. With what force, with what propriety, might not Old Spain address to us a similar appeal! Possessed of a territory extending almost from the Northern ocean to the region of the tropics, embracing every variety of soil, climate, and production, why should we envy Spain the last little island of her once mighty dominions? We do not need it for agriculture; we do not need it for purposes of national defense.

The assertion that Cuba commands the Gulf trade is a fallacy, which it requires a very slight examination to dispel. Tortugas and Key West command the Gulf trade, and not only that, but they command Cuba itself. With those points properly fortified, a hostile fleet in the harbors of Cuba would be powerless for mischief. This fact has long been familiar to English statesmen; and on that account the cession of Florida to the United States was made the subject of excited debate in the Parliament of Britain. Spain was greatly censured for making the cession while she professed to be an ally of England; and the conduct of the Ministry in permitting it to be done was animadverted upon in terms equally severe. Nor are we without authority from our own officers. Commodores Rodgers, Perry, and Tattnall, have all made reports, showing the immense importance of these points, and their absolute command of the Gulf trade. Commodore Porter repeatedly expressed like opinions, based upon practical experience while he was in command of the Mexican fleet. General Totten has submitted to the War Department an elaborate report to the same effect; and Lieutenant Maury, in one of the ablest papers written by him, shows conclusively that no vessel under canvas can leave the Gulf without passing in sight of Tortugas and Key West; and estimates the amount necessary to complete the fortifications at these points at something less than two millions of dollars.

It thus appears that it is the part of economy, as well as of honesty, to fortify our own possessions, and leave our neighbors in undisturbed enjoyment of what belongs to them. It is surely better to appropriate $2,000,000 to complete Forts Taylor and Jefferson, than to expend $100,000,000 in the purchase of Cuba, or uncounted millions in its subjugation and conquest. Nor would the heavy outlay rendered necessary by either mode of annexation cover our whole loss. We derive now from duties upon Cuban imports, an annual revenue of $5,000,000 or $6,000,000. If Cuba be annexed, that revenue ceases entirely. Higher duties must be laid on other articles, and we shall have a renewal of the discontents, bickerings, and dissensions which attended the passage of our earlier tariff laws. I am not in the habit of using arguments addressed to the North or to the South. No argument can be a good one which does not address itself to the whole country; and the statesman whose patriotism is limited by a State line is an unsafe legislator for a great people. But sectional appeals have been made, and I propose to meet them. In no one aspect in which I can look at this question does it present any appearance but that of injury to the South. If Cuba came in as a slave State, it would give us no additional political advantage, no additional political power. The once-cherished dream of southern statesmen of maintaining a balance of power in the Senate of the United States has been completely exploded. The North has already obtained a preponderance, and that preponderance will be increased from year to year. What we have lost can never be regained. For the maintenance of our rights, and the preservation of our privileges, we must look to other sources—to the good sense of the American people, to their deep love for the institutions under which we live, to their innate sense of right and justice, and to the certainty that any serious encroachment must be followed by convulsions which would shake the continent.

Cuba, as a slave State, would not restore the balance of power, and is therefore, politically, of no importance. In a pecuniary point of view, it would be oppressive and burdensome in the extreme. It would bring a powerful rival in direct competition with the most profitable productions of the southern States. Remove the duties now levied upon those articles which come from Cuba, and their culture in the southern States will soon sicken and die. The present tariff upon sugar is highly protective, and its removal would prove a grievous burden; but there is even greater danger to be apprehended from its increased production. Spain has been slumbering for a hundred years. Not long since, I met an intelligent Louisiana planter in Havana, who assured me that he had traversed nearly the whole island; that he found in its fields but one modern plough, and in its mills scarcely a single modern improvement. His opinion was, that if Cuba belonged to the United States its productions would be quadrupled. If that opin-

ion be correct, as I doubt not it is, no one can fail to see the disastrous effect of annexation upon southern agriculture.

As long as Cuba remains in the possession of Spain it will be of inestimable advantage to the United States in the event of a war with any foreign Power. The whole commerce of the Gulf States could be poured into its harbors; merchants would be found there ready to purchase, buying in a neutral port, and reshipping in a neutral vessel, they would be safe from the danger of capture, and thus one of the greatest hardships of war would be almost entirely alleviated. Our previous history is pregnant with proof to this effect. During the embargo of Mr. Jefferson, we shipped to Florida, then a Spanish colony, about eight thousand bales of cotton. As soon as the embargo was removed those shipments ceased entirely. In 1814, during the war with England, we shipped to Florida about thirteen thousand bales of cotton. In 1816, when the war had ended, not a solitary bale. These figures show how great was the advantage of having a neutral Power upon our borders, and how much suffering was avoided which must otherwise have been endured. The vast increase of the Gulf trade renders such an outlet of far more importance now than at any former period, and it is difficult to estimate all the advantages which may flow from it.

Let me turn now to a more general view of the subject. Cuba has a population of one million two hundred thousand inhabitants. Of these about six hundred thousand are whites; a little more than two hundred thousand free blacks, and the remainder slaves, most of them of recent importation. If the island of Cuba were turned over to us to-morrow without cost, with this heterogeneous population, how is it to be governed? Not one of them has ever exercised the right of suffrage. Not one of them ever for a moment felt the iron-hand of military despotism relaxed. They could not be trusted to govern themselves. The habits and the prejudices of centuries are not to be shaken off in an hour. They would still cherish a deep-seated attachment for the splendor of royalty, and as deep a contempt for the plain republican government which would supplant it. To such a people a constitution and State government after American models would be a curse, leading inevitably to anarchy, constant disturbances, and daily scenes of violence and bloodshed.

Another imposing difficulty is to be found in their established religion. With us that could not continue. The magnificent ceremonies which they have been accustomed to see, surrounded and protected by the full strength of the law, would at once lose that protection; and the cowled priest, whose tithes are now paid to him as a legal right, would find himself dependent upon the charity of his flock, whom therefore he would have every motive to render discontented and turbulent. Who can estimate the effect of this upon an ignorant, bigoted, and superstitious race, speaking a different language, accustomed to different laws, despising our institutions, looking upon us with jealousy and fear? This blow at a religion which has been transmitted to them from century to century would dissipate the last hope of a cordial union between the races, and render it nearly certain that in order to govern Cuba peaceably we first must make it a solitude, and then people it with emigrants from these States.

But, sir, if every other objection to the annexation of Cuba were removed, there would still exist an almost insuperable difficulty in the number of free blacks who swarm about the island. Ignorant and vicious, they would be found ready instruments in any work of mischief. Mingling freely with the slaves, they would be constantly exciting the latter to insurrection and revolt, and thus render the lives of the planters every moment insecure. It may be asked why these evils are not now felt? In some degree they are; but they are felt less sensibly, because, over these as over the rest of her subjects, Spain maintains a sleepless military rule. They can turn in no direction without meeting a company of infantry or a troop of horse; and the certainty with which a heavy punishment follows suspicion even, operates as an effectual check upon their vicious propensities. With us it would be wholly different. There would be no soldiers to overawe them, no military executions to keep alive their terrors, no police exercising over them a constant vigilance, and checking every plot in its first inception. In the South, we understand the difficulties and the dangers which arise from this class of population, and most of the southern States have passed laws to exclude them from their limits; but they are already located in Cuba, and the difficulty is to get rid of them.

There are other arguments which I might advance, but it is not needed. In the elaborate discussion which these resolutions have caused, I do not recollect to have seen a single tenable reason advanced in favor of the acquisition of Cuba. Its possession is assumed to be of immense advantage; but in what that advantage consists we are wholly uninformed. We are not told how we are to be benefited by throwing away a revenue of five or six millions of dollars annually. We are not told how we are to be benefited by destroying the culture of sugar in the southern States. We are not told how we are to be benefited by changing the character of a neutral harbor into which our commerce might be safely poured in time of war. We are not told what advantage we are to derive from incorporating among us a mass of wretched human beings, whites, free blacks, and slaves, unfit to govern themselves, and unwilling to be governed by us.

Not one of these things seems to have been considered of sufficient importance to attract attention. In the eloquent speech of the honorable Senator from Louisiana, [Mr. SOULE,] I was particularly struck with the absence of all this. I noticed, also, another significant omission. He did not venture to tell us when or in what way he thought Cuba ought to be acquired. He told us that he was not in favor of its purchase, but there he stopped. I am sure he does not desire that it should come to us as the result of an unprovoked and aggressive war. There is but one other mode in which it can come, and that is by successful revolt of the Cubans themselves. Well, sir, if that be his method, we are pretty nearly agreed. I am willing to compromise on that; for it is tolerably certain that he and I will both be cold in the grave long before that revolution is begun, much less accomplished.

The Senator from Florida [Mr. MALLORY] went a bow-shot beyond the Senator from Louisiana, and argued that there was some sort of "overruling necessity" which was about to compel us to snatch this gem from the crown of Spain. I recognize, sir, an overruling Providence, whose law demands that nations should be upright, just, and honest, and deny the existence of any necessity which comes in conflict with that law. Heretofore, "progress" and "manifest destiny" have been considered sufficient to cover all designs upon the property of our neighbors; but these catchwords are nearly two years old, and are therefore approaching the precincts of "fogyism." It was necessary that "Young America" should have a new one; and the Senator from Florida has supplied it—"overruling necessity." I admire his judgment. He could not have selected a more comprehensive phrase. Certain it is that there is no wrong it will not excuse—no outrage it will not extenuate.

Mr. President, I need not say that I do not intend to vote for these resolutions. The one which announces our purpose not to take possession of Cuba by fraud or violence is certainly, that far, in accordance with my own feelings; but I do not see the necessity of making the declaration. It seems to me to be both undignified and unmanly to be making constant protestations of our honesty. Let us show the world by our acts that we are honest, and leave all such declarations to those whose doubtful character requires some such bolstering. Nor do I think the reaffirmation of the Monroe doctrine would add to its importance. Our policy has long ago been announced to the world, and this restless desire to reiterate it upon all occasions, looks to me somewhat as if we doubted our own resolution, and required a few legislative resolves to keep up our courage.

The Senator from Michigan has expressed considerable surprise at what he terms our shrinking from meeting the questions raised by his resolutions. Sir, there may be other causes than fear which render us reluctant to vote for them. When a boy I read a story of the civil wars of England, which taught me a lesson not yet forgotten. An adherent of the Parliament had been cruelly treated by one of the opposite party. His houses had been burned down, and his fields made desolate. Some time afterwards he met an acquaintance to whom he told the story of his wrongs. It was done simply and plainly, without a single threat or execration. When he had finished, his friend asked him with surprise, "And did you not vow revenge?" "No," was the reply; "those who 'take the trouble to make vows are very certain 'that a time will come when they will need a vow 'to steady their purposes. I never doubted what 'I would do, and I made no vows." Sir, there was more danger in one such man than a whole regiment of noisy babblers. Silence is almost invariably the concomitant of determined resolution; and the world will be quite as likely to believe us in earnest, and will respect us as much for refusing to pass, year after year, a series of threatening resolutions.

Mr. President, I find that I am taxing my strength too much, and I must soon close. The pilgrim who, in obedience to a vision oftentimes repeated, seized his staff and set out in search of a land in which he had been promised all the joys of Paradise, after traversing many lands, steadily pursuing his dangerous way through forests, deserts, and jungles, reached at last the only mountain which shut out from his gaze the promised land. Slowly he commenced the ascent; then paused, overcome by contending emotions. If from that mountain top, he should indeed look upon a valley, such as had appeared to him in his dreams, beautiful and glorious, where the flower had lost its thorn, where the sweetest melodies were continually poured into the ear, and the very air was redolent with perfume, how cheaply would it be purchased even by all the toils and dangers he had encountered. But then came the fear that dream had deceived him; that he might find a barren waste of thorns and brambles, desert, cheerless, and inhospitable. Anxious to know the truth, yet dreading to have it revealed, he stood upon the mountain side unable to advance or to recede. Even such emotions, Mr. President, might now well swell the American bosom. We have reached the hillside from whose top the future of America may be viewed. But who can ascend it without a feeling of doubt and terror? Is it to be the America which all of us loved to paint in our boyish days—free, happy, and prosperous, inculcating by its precepts, and enforcing by its example a deep love of law and order, offering a refuge and asylum to the fugitive from oppression, cultivating with assiduous care the arts of peace, and illustrating all the mild beauties of Christianity? Or is it to be that America which "progress," "manifest destiny," and "overruling necessity," are now seeking to make it, where freedom will be lost amid the clash of arms, and the wail of every good spirit will rise above the crushed and broken hope of man's capacity to govern himself? Sir, it is in our action that the answer must be found. Our country is at stake, and he who loves it as he ought, should pause and ponder long and well before tampering, in any way, with so high and holy a trust.*

Mr. CASS. Mr. President, with the permission of my honorable friend from Georgia, [Mr. DAWSON,] who seems disposed to keep the debtor and creditor side of the speaking accounts of members, I desire to say *one word*, in the Senatorial acceptation of the term, but it shall be so brief as I trust not to call for reproof even from him.

I received yesterday a letter from Paris, written as late as the 13th of last month, and by one of the most intelligent and patriotic American citizens now in Europe, well fitted to judge of passing events, and also of their objects and tendency. His letter is a very interesting one, fraught with able speculations upon the present condition of Europe, and especially upon the bearing which the strange phases of European politics may have

*NOTE.—It appears from an explanation made by Mr. MALLORY, that I misunderstood his remarks. I never saw a *corrected* report of them. I saw an abstract in one of the papers, in which he was made to dwell with considerable unction upon the certainty that an overruling necessity would compel us to take possession of Cuba. I did not doubt its correctness, and commented on it accordingly. In justice to him, I now make the proper correction.

J. C.

upon the prosperity and progress of our country. I feel at liberty to read one or two passages, not only because they confirm anticipations I have more than once expressed in the Senate, but because, coming as they do from the concentrated point of European policy, they may serve to impress the public mind with a sense of the deep interest which the American people have in the resolutions before us, and of the duty which may devolve upon them, not only to announce them by authoritative declarations, but eventually to support them by arms. The writer says:

"The speeches of yourself and Mr. Mason, of Virginia, on the 23d of December, have attracted so much attention on this side of the water, that I deem it proper to notice the fact in a brief communication. They are freely copied into some of the London papers, and afterwards appeared nearly complete in Galignani."

This is the great English paper, published in Paris, the only one on the continent.

"Of course they have drawn down the lightning of the British 'Thunderer.'"

He means the London Times; but they have also provoked the ire of other papers, not *Thunderers* indeed, though nearer home.

"The Americans here, however, approve them generally, as not only true to American feeling, but politically wise, in view of our position before the world."

I must confess, Mr. President, that this statement of the sentiments of the American citizens in Europe, so well situated to judge what course of policy the honor and interest of our country demand, and with no feeling to animate them but that proud patriotism which becomes stronger as we recede from our beloved fatherland; I must confess, I say, that this testimonial of true American feeling has gone far to compensate for the sneers and reproaches which the views of some of us, respecting the position and duties of our country, have called forth. But to continue the quotations:

"You have doubtless noticed the peculiar and formidable attitude of Europe, the nations now standing in solid columns, shoulder to shoulder, for conservation. The new British Ministry wheels the three kingdoms into line. The balance of power is complete. Externally, all seems settled, and the future to be secure—at least such is the face the great confederates would make Europe wear. There are, however, some sources of disquietude. The new Emperor has evoked the spirit of the old one, and reigns by virtue of this invocation. He has placed his throne on bayonets, and yet promises peace. This incompatibility is noticed by all reflecting men."

Five days after this letter was written, in some remarks I submitted to the Senate in relation to the resolutions introduced by me, I alluded to this portentous junction of former and of later imperial projects of aggrandizement, and observed:

"Besides, no man can look at the aspect of Europe, without feeling assured that from day to day collisions may arise between nations, and internal convulsions may shake the very frame of society. And wars may thus break out, extending their effects through the globe. The Spanish monarchy, it may be, is incapable of rejuvenation. I do not know how that may be, and I leave it to a wiser or a rasher man than I am to speak confidently. But certainly that kingdom is marked with the signs of some approaching catastrophe. *If the new French Empire follows the traditions as it inherits the name and institutions of the old, which rose and fell with its founder—a name greater, in my opinion, than any other in modern, if not ancient European history—it will soon make itself felt in the Hesperian peninsula, and become the arbiter of its fate.* To rely, as some profess to do, upon the security which the present state of things in Europe gives to the Spanish dominion in Cuba, is to neglect the most obvious dictates of policy, and to abandon an object of vast importance to the mere chance of events."

But to return to the letter. The author, after some judicious reflections upon the political instability of the Old World, remarks:

"All the Powers of Europe are armed to the teeth; Great Britain is preparing for war." * * * * "Nobody in Europe, of sound reflection, believes that Louis Napoleon could, if he would, maintain peace for any length of time. He is casting about anxiously for occupation for the army and the navy, and as he fears to disturb the Powers of Europe, he is looking over the maps of Asia, Africa, and the two Americas. The French press deny, doubtless by authority, that the Government has any connection with the adventurer Boulbon; nevertheless, I believe if he could make a stand in Sonora, which really promised success, he would be countenanced, if not supported, by the arms of the Empire." * * * * * * *

"As a practical summary of all this, I consider that American statesmen may justly take these views: Europe is now united in the bonds of a stern conservatism, which in its nature must regard with fear, if not aversion, the power and progress of the United States. The great confederation of the Old, now faces the great confederation of the New World; and that too, if not with hostile intentions, at least with hostile wishes. France needs fields of military and naval exercises, and Louis Napoleon may find it convenient—if pushed with difficulty and danger at home—to seek them in the new hemisphere. If he does, he will have the aid of Europe, provided he takes steps which promise to result in curbing the spirit or crippling the resources, and setting bounds to the extension of the United States.

"In this state of things, the announciation of sentiments, like yours, and those of Mr. Mason—speaking, doubtless, the feelings of the majority of the American people—is a solemn and timely warning."

I perfectly agree, sir, with the writer of this letter, in his estimate of the sentiments of the European Governments, the European aristocracy, in fact, which, directly or indirectly, now controls the political systems of that quarter of the world, towards the people and the institutions of the United States. It is so, and must in fact necessarily be so, until one or the other of those antagonistic elements, the good of the few or the good of the many, gain the ascendency, and exerts it, by force or example, to the destruction of the other. For myself, my confidence in the future is unshaken, because my confidence in the people of the United States is unshaken, for upon them much will depend in the great decisive contest, between freedom and oppression, which sooner or later is sure to come. And in the remarks to which I have just referred, and which I made in the Senate a few days since, I alluded to the feelings entertained towards us by the European Powers, as one of the signs of the times worthy of our serious attention, and I am happy to find myself supported by the opinions of this highly intelligent American, now surveying Europe from a European position. I then said:

"We cannot disguise from ourselves, that our progress and prospects, while they are a reproach to many of the Governments of the Old World, have excited their enmity by the contrasts they exhibit, and by the dangerous example they offer to the oppressed masses, inviting them to do as we have done, and to become free as we are free. *He who does not know that there is not a Government in Europe which is a friend to our institutions, has much to learn of the impression that our past, our present, and our probable future are producing among them.*" * *

"*But what we have to apprehend is, plans for arresting our extent and prosperity, the seizure of positions by which we might be annoyed and circumscribed, and the creation of an influence of schemes of policy offering powerful obstacles to our future advancement.*"

There is a spirit of firmness and patiotism in the American people which will carry us safely through this eventful crisis in the history of the world, yielding neither to the counsels of timidity nor of presumption, but keeping on the straight path of duty and of honor, and pronouncing their will in terms and tones neither to be misunderstood nor disobeyed, even by the most reluctant of their public servants, in whatever station these may be placed. And above all, not to be deluded by the cry of "ALL'S WELL," repeated here and there, when the world is armed or arming, and with designs hostile to the principles of free institutions and to the great Republic which has made itself their home.

A few remarks more are rendered necessary by what has been said by the honorable Senator from Alabama. With respect to his eloquent remarks I have not a word to say. I do not intend to enter again into this general subject. My motive in rising at this time was principally to read the extracts from this timely letter. But the honorable Senator from Alabama has alluded to the original introduction of the resolution of the honorable Senator from Virginia, [Mr. MASON.] A good deal has been said on that subject, and it is necessary to explain the matter, and the explanation is a very short one. Neither that honorable Senator nor myself had any idea of putting our heads together to make a great explosion of a volcano; and the attempt to induce that idea is but a tempest in a teapot, and is making a great fire out of nothing at all. The plain English of it is this: I got the letter to which I have alluded in previous remarks, stating the facts connected with this attempt in Sonora, which I thought rendered it necessary to ascertain what were the views of the Government, and I thought it was more proper, from the position which the honorable gentleman from Virginia occupied as chairman of the Committee on Foreign Relations, that he should take the letter to the Department and ascertain the facts; and now you have got the whole secret. The honorable Senator went to the Department with the letter, and, I believe, in conversation with Mr. Everett, some facts came out with respect to the correspondence of the Government on the Cuban difficulty which led the honorable Senator to introduce his resolution, and thus bring the whole matter before the Senate. I believe I am correct in this statement.

Mr. MASON. The Senator will indulge me for a moment. The resolution which I offered, and which I understand to be objected to by the Senator from Alabama, was simply a resolution calling upon the President to communicate, if not incompatible with the public interests, the correspondence which his annual message had informed us had taken place between the Ministers of France and England in relation to the invitation, on their part, to this Government to enter into a tripartite convention in respect to the Island of Cuba. Before I offered the resolution, I consulted the honorable Senator from Michigan, because of his very great experience in the foreign relations of this country, to inquire whether he thought it would be proper to premise the offering of the resolution with some remarks upon the question. He said that, in his opinion, it would be proper, and he would do the same thing. That to which he refers was information derived from another quarter, and was at a subsequent day. I did call upon the Department of State, and got some information connected with that subject, but it was subsequent to the former matter.

Mr. CASS. My recollection was that it referred to the tripartite treaty.

Mr. MASON. Not at all.

Mr. CASS. Then I was mistaken on that point. The honorable Senator, however, did call with that letter at the Department, and had an interview with the Secretary of State on the subject; and that is the only communication, as the honorable Senator knows, which took place between us on the subject. I repeat, there was no plan whatever in regard to the matter. A good deal was said about the discussion on that day, as though the Senate and the country had been taken unawares. Why who knows from day to day what is to take place in the Senate, and whence discussion will arise? There was no plan about it; nobody thought of one. The subject of the Senator's resolution came up, and he spoke upon it, and I made some remarks; and then any gentleman was at liberty to make remarks. It was a subject that required no week's preparation; the most extemporaneous preparation was all that was necessary.

A word now with respect to another matter, and I shall have no more to say. The honorable Senator from Alabama thinks this matter should have been delayed. Why it was the Senator from New Hampshire, [Mr. HALE,] I believe, or some honorable Senator on that side, who censured me for not bringing the matter forward before. My answer was, I brought it forward as soon as I heard it. And now the honorable Senator from Alabama censures me because I thought proper to bring it forward so soon. I acknowledge no such doctrine. I am an American Senator, and I am an American Democrat, and whenever I think my country requires a resolution to be introduced, I will introduce it, even without the sanction of the President, which the honorable Senator from New York [Mr. SEWARD] seems to think ought to be required. There are some resolutions, according to him, which ought to be tabooed to avoid constitutional difficulties or presidential indignation. How far his category extends, I do not know. I acknowledge no such principle; I believed the rights of the country were trenched upon, and I wanted the country to know it. I did not care, for that purpose, who was President; and sure I am that the incoming President would have no objection, at any time, and at all times, to have questions like these fully investigated in the face of the American people. That was my motive, and I believe it was the motive of other gentlemen.

Mr. DOUGLAS. Mr. President, I desire to say a few words upon this question; but I do not wish to go on now, for the reason that I would prefer having an answer to the resolution that I introduced this morning, before I submit the few remarks which I propose to make, and which will be very brief. I ask the Senate to postpone this question for a week.

Mr. MALLORY. I would ask the honorable Senator to withdraw his motion for a moment, in order to permit me to make a few remarks that will not occupy five minutes.

Mr. DOUGLAS. Certainly.

Mr. MALLORY. If what has fallen from the honorable Senator from Michigan be, in the parliamentary acceptation of the term, one word, I have but half a word to say. I listened with a great deal of pleasure to the honorable Senator from Alabama. That pleasure was only alloyed by finding that he had totally misapprehended the remarks which I had the honor of delivering here a few days ago; and I will take the liberty of saying, that if he had read them carefully, he would have found but very little difference indeed between the position which he has assumed for himself to-day, and that which I did, on that occasion, endeavor to mark out for myself. I said then, that I deplored the discussion of this question on this floor, because it could not be of any possible benefit, and might be of very great disservice. I took no part in it whatever. I advocated no measure tending to the acquisition of Cuba. I expressed no opinion on that subject, but I simply advocated a certain commercial measure which tended to connect us more closely with that island as a Spanish, and not as an American colony. So much I have thought it necessary to say to correct the misapprehension of the honorable Senator from Alabama.

Mr. DOUGLAS. I now renew the motion to postpone the further consideration of these joint resolutions until Monday next, at one o'clock.

Mr. HALE. I have not a word to say upon the motion of the Senator from Illinois. I am rather in favor of it. But the Senator from Michigan, [Mr. CASS,] who has addressed the Senate upon this occasion, and myself, have had the misfortune to differ in the relative direction which the annunciation of our sentiments should take, he looking south and I north; and he has undertaken to back up his opinions this morning by reading a letter from Paris, which I think is calculated to give him an undue advantage over me in this controversy, [laughter,] and I know that what he says would have vastly more influence with the Senate and the country than what I say, even without any letter from Paris to back him up. Inasmuch as the Senator has taken occasion to read that letter, I wish to say that I, too, have had some letters. [Laughter.]

Mr. CASS. Read them.

Mr. HALE. They are not from Paris, but from some distance off; and there are a good many of them in which their writers take occasion to speak of the humble efforts that I have made, and which, if placed alongside of that Paris letter, would throw it entirely into the shade as much as Sancho Panza told Don Quixotte that a fight with the lions would throw into the shade any battle he had ever fought before. "Why," said he, "every other battle you ever engaged in, compared to this, is as mere cheese cakes and custards." [Laughter.] I have got a great many of these letters, but I have felt altogether too diffident to bring them before the Senate. But since this example has been set——

Mr. CLARKE. Where are your letters?

Mr. HALE, (holding up a very large bundle.) Here they are. But as I have explained myself, I will sit down. [Laughter.]

The motion to postpone was agreed to.

THE TEHUANTEPEC GRANT.

SPEECH OF HON. JOHN P. HALE,

OF NEW HAMPSHIRE,

IN THE SENATE, *February* 15, 1853,

On the Resolutions reported from the Committee on Foreign Relations, in regard to the Tehuantepec Grant.

The Senate resumed the consideration of the resolutions reported by the Committee on Foreign Relations, in regard to the Tehuantepec grant, the question being on the amendment submitted by Mr. SEWARD:

"To strike out all after the word 'Resolved,' and insert:

"That the United States cannot suspend diplomatic negotiations with Mexico without tendering to that Power, or waiting a reasonable time to receive from it, an offer of arbitration, according to the terms of the treaty of Guadalupe Hidalgo."

Mr. HALE said: Mr. President, I believe that it was about the time of the last war with England, when a gallant and deceased officer of the American Navy, at a public dinner, gave this toast: "Our country, may she always be right; but right or wrong, may she ever be victorious." I have no fault to find with the sentiment, but modern progress has abbreviated it somewhat, and in the common parlance of the day, the moral is expressed briefly, "Our country, right or wrong," contracting a part of the wish and toast, "may she always be right." Sir, I desire always to be on the side of my country. I desire that she may be always right; but whether she is right or wrong, I am always with her and for her. I believe it is the first duty of patriotism, when we find the country wrong, to endeavor to set her right; and when we find that she is going in a direction which is likely to place her in a wrong position, she is entitled to our best efforts to put her in a different direction.

I know further, sir, that there is another axiom in the politics of modern days which is, that when the country is in a war, no matter whether that war is just or unjust, no matter whether we had good and sufficient cause for it or not, it is the duty of patriotism to sustain the war, and sustain the Administration in a vigorous and efficient prosecution of it. I shall not combat that sentiment at present, but I will claim for it this qualification: That it is not the duty of patriotism—when an individual sees the country about to take a position which will lead to a war, when if the war ensue it must inevitably be unjust—to hasten the country into such a position; but, on the other hand, it is the dictate of patriotism and of duty to endeavor to arrest a series of measures which are calculated to place the country in such an unfortunate position.

I believe, sir, that the course adopted, or recommended by the Committee on Foreign Relations of the Senate, to be pursued in relation to Mexico, has just exactly that tendency, and is calculated to produce exactly that result. If these resolutions mean anything—and they certainly do, because they do not come from a source where mere idle gasconade is used—they mean that diplomatic relations with Mexico are to be suspended, that this country is to assume a position of hostility looking to war, unless Mexico reverses its whole policy, unless it decrees and confirms that which the people and the Government of Mexico have pronounced to be null and void—I mean the Garay grant.

That is the position which the committee take, as I understand their resolution. They say that they "are fully prepared to sustain the Executive Department in the position" which it has assumed towards Mexico; and they conclude by recommending to the Senate the adoption of the resolutions which are now before us, and which are familiar to every member of the body, in which they say: "It is not compatible with the dignity of this Government to prosecute the subject further by negotiation." We are to fold our arms in offended dignity, and wait for Mexico to come to us; and if Mexico does not come to us, we stand committed to our citizens "to protect them in their rights abroad as well as at home;" and if Mexico fails within a reasonable time to reconsider her position respecting the Garay grant, "then it will 'have become the duty of this Government to re-'view all existing relations with that Republic, 'and to adopt such measures as will preserve the 'honor of the country and the rights of its citi-'zens."

Sir, I claim to have given some attention to this subject; and I heard the speech that was made by the honorable chairman of the Committee on Foreign Relations, [Mr. MASON,] with a good deal of pain, because I thought it was placing the Senate, and if the country followed the Senate, it was placing the country, in a very false position. The reason for that opinion I now propose to give to the Senate as briefly as I may. The materials upon which this opinion is founded, are spread over a good many pages, and cover a large portion of our diplomatic history, and of the affairs of Mexico for several years past, and of the history of Mexico for several years preceding that.

The position which is assumed by the President, by the Secretary of State, and by all the officers of the Administration, who have had anything to do with this matter—by our foreign ministers, and by our committees, is this: That the citizens of the United States, relying in good faith upon the offers and inducements which have been holden out by Mexico, have invested their funds and incurred large expenses in this undertaking; and that now they are debarred and prevented from going on to perfect what they have undertaken and to realize the benefits of the investments which they have made, by the bad faith of Mexico. You find this idea spread over the whole correspondence. You find it in the letter of Mr. Fillmore to President Arista; for in that letter he says, (I quote the extracts given by the committee in their report:)

"In addition to the motives I have urged for the speedy adjustment of this matter, I beg leave most earnestly to call the attention of your Excellency to the probable difficulties that may grow up between the two nations, should Mexico break her plighted faith in the grant to Garay. Our citizens, relying upon her good faith, have become interested in that grant; they have advanced large sums of money for the purpose of carrying out its objects; they have surveyed a route for a railroad, and demonstrated the practicability of constructing it; and it is not possible that they should now be deprived of the privileges guarantied by that grant, and sustain the heavy losses that must ensue, without appealing to their own Government for the enforcement of their rights. My anxious desire is to avoid the too probable consequences that must result from such an appeal. We cannot, if we would, be indifferent to it. It is a duty which every Government owes to its own citizens, to protect their rights at home and abroad; and the consequences growing out of the disagreement of the proprietors of the Garay grant and the Government of Mexico are such as no true friend of this country or of Mexico can look upon with indifference."

What does that language mean? War. It can mean nothing else. Then the President of the United States, in a formal letter to President Arista, denounces war by this Republic upon the Republic of Mexico, unless the latter confirms the Garay grant; and it is assumed that citizens of the United States, relying upon the plighted faith of Mexico, have invested their means in the enterprise secured by the Garay grant, and that by the bad faith of Mexico they are debarred from enjoying the privileges of that grant. The same thing is said by Mr. Webster in his letter to Mr. Letcher, dated August 24, 1850. Here is his language:

"The present holders are the assignees of those British subjects. Hence the validity of their title is conceived to have derived a peculiar sanction, which the honor of this Government demands should be maintained unimpaired."

* * * * * "If Mexico should reject our overtures for this purpose, we will extend our protection to them alone, according to our own sense of right and duty, and as future events may require."

Mr. Webster there threatens, that if the Government of Mexico does not confirm this grant, the Government of the United States will go upon her territory and enforce its own ideas of the protection which is due to its citizens, without the consent of Mexico, and against its will. But Mr. Webster, in that letter, was not content altogether to act the part of the warrior. He manifested, at the close of it, what I think would be called, in the southern country, a little of the Yankee, for he says to Mr. Letcher:

"Perhaps if, upon a suitable occasion, you were to hint, in connection with this subject, that the money due to Mexico for the extension of the limits of our territory pursuant to the treaty of Guadalupe Hidalgo, has not yet been paid in full, and that contingencies might happen which would warrant this Government in withholding it, an impression might be produced favorable to the result of your negotiation."

That is threatening them with war in the first place, and if that threat is not enough, he tells them we will not pay what we have bound ourselves by solemn treaty to pay.

Again, on the 30th of April, 1851, Mr. Webster, in a letter to the Mexican Minister, Mr. De la Rosa, says:

"The undersigned has the especial instruction of the President of the United States to call the serious attention, both of Mr. De la Rosa and his Government, to the serious embarrassments which may result if this treaty should be rejected, and those citizens of the United States who have with so much laudable zeal, entered upon the enterprise, and incurred such heavy expenses in its prosecution, should now be turned back on an appeal to their own Government, as well for the disappointment of just expectations as for indemnity for actual losses.

"In conclusion, the undersigned has to say to Mr. De la Rosa, that having seen the treaty of the 25th of January negotiated, assented to, and approved by highly respectable and eminent citizens of Mexico, honorably known in other countries as well as in their own, and all this under the sanction of a distinguished citizen just placed by the voice of his countrymen at the head of the Government, the President of the United States cannot persuade himself that

such a calamity as its rejection by Mexico now impends over both countries."

The meaning of that language cannot be mistaken, and the idea which Mr. Webster meant to convey cannot be misunderstood.

Again, in writing to Mr. Letcher, under date of December 23, 1851, Mr. Webster says:

"It is well known that, relying upon the grant from the Mexican Government and upon the protection of the American Government, American citizens have proceeded to the expenditure of large sums of money towards the accomplishment of the great purpose which is the object of the treaty."

Mr. Letcher, in writing to Mr. Webster from Mexico, February 14, 1852, says:

"Mexico shall have a full view of the dangerous precipice over which she is standing. She shall know that it is the positive determination of the Government of the United States to protect, at all hazards, her citizens who have made large investments in the enterprise, relying upon the good faith of the public acts of Mexico."

I will not weary the Senate by repeating declarations of this sort which are to be found in the published correspondence between the Government of Mexico and our Government and their various officers on this subject. It has been assumed by Government throughout the whole matter as an incontrovertible fact, that to the citizens of the United States were held out the tempting inducements of Mexico to enter into this matter with their capital, and that now Mexico is breaking faith with them, and that our Government is bound, by every consideration which can address itself to a Government able and willing to maintain its own citizens, to protect the rights thus trampled upon by Mexico.

If that is the true state of the case, if such are the facts, I grant there would be some reason in the language that we have assumed, and there would be some reason for the course indicated by the Committee on Foreign Relations, provided we had not already a subsisting treaty with Mexico by which we have bound ourselves, by the most solemn obligations that can bind nations, that if a difficulty should arise, war shall not be the remedy we will seek, but that we will first seek a peaceable and friendly arbitration. I say if we had not such a treaty as that binding upon us to-day, there might be some propriety in the belligerent attitude which has been assumed by the Administration toward Mexico; that is, if what they assume as correct were really facts.

I deny the proposition entirely. I lay down this position, and I will prove it by the authentic and published documents, that so far was the Government of Mexico from ever inviting the citizens of the United States into this affair, and so far were the citizens of the United States from going into it upon any such invitations, that it was a grant made by Mexico to her own citizens, a grant which had been annulled by the Congress of Mexico, and the Government of Mexico had refused to acknowledge Manning & Mackintosh as the assignees of the grant or as having any right in the contract; and that Government had not only refused to acknowledge the assignment to Manning & Mackintosh, but it had notified those parties that the Government would not consent to the transfer, and it had further notified its Minister residing at the city of Washington to inform Garay, the original holder of the grant, that the Mexican Government would not consent to any assignment, before any American citizen was interested in it to the amount of a single dollar. Here, then, is the plighted faith of Mexico! She had annulled the grant; she had refused to acknowledge the assignment to the English company; she notified the English house that she would not consent to the assignment, and resumed the grant, because it had been forfeited by a neglect to comply with its conditions; that the Minister of Foreign Relations instructed the Mexican Minister near this Government to notify Garay, the original holder of the grant, that the Government refused to consent to the transfer, and further, that it resumed all the rights which he had ever had. This was done on the 14th or 15th of January, 1849; and the very first notice that Mexico had that there was anybody except her own citizens interested in it was not given till the 5th of February, 1849, by Manning & Mackintosh; and that Government was not notified that anybody in the United States had any interest in it until six months after that time.

Now, I ask, with what face the President of the United States, or the Secretary of State, or the Minister of the United States in Mexico, can come before the Senate and before the world, and repeat over and over again, in every form in which they have put it, that American citizens were induced to go into this matter by the plighted faith of Mexico, which faith Mexico has broken? I have made the proposition that such is not the case, and I intend to prove it; and I hope the Senate will attend to it, for I look upon this as a question of great moment. I look upon it as a question which is likely, if it be not arrested by the consideration and action of the Senate, to place the country in a very false position.

Sir, if Mexico were a strong Government, if it were a Government like England, or like Russia, I should not have the least concern on earth about these resolutions, but I should take them as some of those harmless ebullitions, some of those stupendous jokes in the shape of solemn resolutions which Old Fogeyism and Young America throw before the Senate in the race which they have to run to get ahead of each other; but that is not the case here. Mexico is weak, feeble, and distracted. She has no defense to make, except what is to be found in the justice of her cause, and in the magnanimity with which a powerful nation should always treat a weaker one.

I will now proceed to prove what I have said, and I will prove it by reference to the documents. I will endeavor to be brief. I will endeavor not to fatigue the Senate by going over a great body of extracts, but I will state the points as briefly as possible.

The foundation of this grant was a decree made by Santa Anna to Garay on the 1st of March, 1842, and it extended to twenty-eight months. Whether that grant was valid or not—whether Santa Anna had any power to make any such grant—is a matter of some consequence, in some aspects of this case. Gentlemen are in the habit of speaking of these several chiefs of Mexico as dictators. I believe the fact is, that no one of those officers ever claimed to be dictator. In the revolutions to which Mexico has unfortunately been subjected, and the changes which have come sometimes almost as frequently as the varying seasons of the year, they have uniformly, so far as my examination has extended, bound themselves by written plans or constitutions. At the time Santa Anna made this decree, he was acting not under the old constitution of 1824, which had been subverted by the central constitution of 1836, and again subverted in 1841 by what is called the bases of Tacubaya and the convention of Estanzuela. It was under these that Santa Anna was then acting.

Santa Anna, in the decree, states his authority thus:

"It is by virtue of the powers and faculties vested in me by the seventh article of the convention signed at Tacubaya, and sworn to by the representatives and the deputies of the departments, that I have determined to issue the following decree."

Then it was by the bases of Tacubaya that he claimed to have authority to issue that decree. But be it remembered—and I ask the attention of the Senate to the fact—that these same bases of Tacubaya, by which Santa Anna claimed to have the right to confer this grant upon Garay, also contained the provision that all his acts, while acting under these bases, should be submitted to the first constitutional Congress that was assembled. And Garay, when he took this grant from Santa Anna, knew that he took it subject to the contingency that it was liable to be laid before the first constitutional Congress for its approbation or rejection. Santa Anna was acting under the bases of Tacubaya and the convention of Estanzuela. The seventh article of the bases of Tacubaya is in these words:

"The powers of the Provisional Executive Government shall be everything necessary for the organization of every branch of the public administration."

The second article of the convention of Estanzuela is as follows:

"The acts of the Government of his Excellency General Don Anastasio Bustimente, and those of the government that succeed him in the mean time, from the 1st of August of the present year 1841, of whatever class they may be, shall be submitted to the approbation of the first constitutional Congress; and likewise shall be remitted to the same Congress the acts of the Executive Provisional, in conformity with the bases which the army of his Excellency General Santa Anna has adopted."

The time fixed by the decree of Santa Anna for Garay to go on and complete his work, expired on the 1st of July, 1844. At that time the bases of Tacubaya and the convention of Estanzuela had been superseded by what were called, I think, the *Bases Organicas*, and during that time Carnilizo, President *ad interim*, extended the grant to Garay for another year, carrying it to July, 1845. The *Bases Organicas*, under which Carnilizo extended the original grant, was subject to exactly the same conditions as the bases of Tacubaya, which required that all the acts done by the provisional chief then in power, should be subjected to the action of the first constitutional Congress.

Santa Anna,—when the progress of revolution was such that he saw a constitutional Congress was about to be assembled, by which the validity of his grants would be inquired into, and the grants confirmed or rejected,—understanding perfectly the nature of the grant, and the nature of the authority set upon it, took a very sagacious way to get over it, or around it; and he issued his own decree that the responsibility established by the bases of Tacubaya, requiring his acts to be submitted to a constitutional Congress, was a mere expression of opinion, and was not binding; that the framers of the bases of Tacubaya had simply said they thought his acts ought to be submitted, but did not mean to require that they should be.

But a Congress did assemble, and on the 1st of April, 1845, they took up the subject of these decrees, and one of the very first acts which they did was to declare that all the doings of the Provisional Government, except so far as they fell within the very letter of the authority which was conferred upon them for the extraordinary emergency out of which they had been created, were annulled, and under that act these grants were annulled.

But whether that decree of the Congress was sufficient or not, suppose that Santa Anna had the power and authority to make the grant—suppose that Carnilizo had authority to extend it, and suppose the first constitutional Congress of 1845 had not power to annul it, what then is the condition of things? Why the time expired in July, 1845, and not one step had then been made towards doing anything under the grant.

What next do you find? Garay then petitioned, not the President, not the Chief of the nation, but he petitioned the Government for an extension of his grant; and the Council refused to act upon it, and they submitted the question to the Chamber of Deputies. The Chamber of Deputies granted the request, and it was sent to the Senate. In the Senate the subject was referred to a committee, the committee reported favorably, but no action was had upon the matter by the Senate; and thus the grant was not extended by any act of the Government. But at that time General Salas was Provisional Chief in Mexico. It must be borne in mind that General Salas, on the 22d of August, 1846, he then being in supreme power, published a decree restoring the constitution of 1824. That constitution was then restored over the whole of Mexico; the military governors went out, and constitutional governors were elected in their places, and the machinery of the constitution of 1824 was put in full operation all over Mexico. Under that constitution the President of Mexico had no more right to make such a grant, than had the President of the United States. Yet General Salas, on the 5th of November, 1846, nearly three months after the restoration of the federal constitution of 1824, which has been in operation from that day to the present, General Salas took the very law which had passed the Chamber of Deputies, and had been suspended in the Senate, and made a decree extending the grant to Garay for two years. Immediately upon this grant of Garay being extended by the decree of Salas, Garay applied to the Government for a confirmation, or, as it is styled in the papers of that country, credentials. The Government took the matter into consideration and confirmed the grant, with two essential modifications; one was, that all contracts that were to be made relative to the matter should be submitted to the Government for consideration

and approval; and the second was, that all the colonists who went on to work upon the proposed railway, or other interoceanic communication, should renounce their nationality, and give up their alien privileges. Upon these terms, and these conditions being incorporated into the decree, or into the credentials, Garay took the grant.

The grant to Garay was of a twofold character—and I beg the Senate to bear this in mind, because if they do, they will avoid some of the very errors into which the Administration has fallen. One of these grants was for colonizing the country, and the other was for making an interoceanic communication; and both were separate and distinct. On the 7th of January, 1847, Garay assigned to Manning & Mackintosh—what? What the Committee on Foreign Relations suppose by their report, what Mr. Webster says in his letter, was a contract for making a way over the Isthmus of Tehuantepec. But it is no such thing. On the 7th of January, 1847, Garay assigned to Manning & Mackintosh that part of the grant which related to colonization, and he expressly said:

"That by this transfer on the part of the covenanter, D. José Garay, it is not to be understood that he confers upon Messrs. Manning & Mackintosh, and Schneider & Company, any right whatever to carry on navigation from one sea to the other; but he declares that he transfers to the gentlemen aforesaid the right of navigating said Coatzacoalcos river for all such purposes as may be suitable and useful to the business connected with the transfer of the lands in question, without any detriment accruing in virtue of such act to the privileges vested in the aforesaid Garay."

That Garay reserved to himself in the most formal manner possible. He retained all the privileges relating to the construction of a railroad, or other transit, across the Isthmus of Tehuantepec, and he sold to Manning & Mackintosh the simple right of colonizing the country. Manning & Mackintosh, as they were perfectly aware that they were bound to do by the conditions that had been inserted into the contract that was drawn up upon the decree of Salas, submitted this transfer to the Government for approval. Did the Government approve of it? No, sir; but they rejected it until something else was inserted, and I want to read the note which was inserted in the deed:

"The most excellent President has made himself acquainted with the contents of the clause of this document, and in view of the antecedents which have been borne in mind, he has been pleased to approve of said contract, but with the additions which have been deemed wise and just, in order to fill up the vacuums alluded to in the deed itself—vacuums which might become the source of all sorts of discussions, that are to be avoided. It has been noticed that no mention has been made in the contract of the renunciation of nationality, provided for by the thirteenth article of the law of November 5, 1846. According to the spirit of the aforesaid law, this renunciation must take place in the most positive and conclusive manner, on the part of the settlers, so that whatever circumstances may happen, and whatever measures these may require, neither the settlers aforesaid, nor the proprietors may not, in any case not for any cause, plead alien privileges, nor any other privileges except those which have been granted or may be granted to them by the laws of the country, to which both their persons and their property must be subjected, and without this requisite they will not be admitted. Nor is it stated whether the transferees have to give an account to the Supreme Government of the contracts they may enter into for the introduction of families, nor is there any mention made of the record ordered to be kept, in pursuance of the fourteenth article of the aforesaid law of November the 5th. All these obligations are of a relative character, and as they have been contracted by you, they must be binding upon the transferees."

This note, containing this explicit direction to the proprietors that settlers must renounce their nationality, and submit themselves entirely to such justice as Mexico would give them, to be fully and explicitly understood, was inserted in the contract itself, and signed by Manning & Mackintosh. They took the assignment of that part of the Garay grant with the full knowledge that they divested themselves of all protection that the Government would be bound to extend to them under other circumstances if they had not thus divested themselves.

Thus the matter remained until September, 1848. It is said that then—and the deed appears to be so—in September, 1848, there was a transfer made to Manning & Mackintosh of the remaining part of the contract, and that was the part which related to making an interoceanic communication between the two seas. Early in January, 1849, Manning & Mackintosh notified the Mexican Government that this contract had been assigned to them in September, 1848. What did that Government do? The very first moment that the Mexican Government had any notice that anybody else except a Mexican citizen was coming in to take this contract, they notified Manning & Mackintosh that they would not consent to the transfer, and they further notified them that the Government resumed to themselves all the concessions which had been made in the Garay grant, for the reason that the time limited in the grant for the performance of the work had expired. They not only did that, but they instructed the Minister of Mexico resident in the United States to serve upon Garay, who was then residing in New York, a like notice, which I ask the Secretary to do me the favor to read.

The Secretary accordingly read it, as follows:

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA.

His Excellency the Minister of Foreign Affairs of the Mexican Republic, in his note of the 8th of the last March, commands me, by order of his Excellency the President, to notify you that the time of the extension of the privilege for opening a way of intercourse, of interoceanic communication through the Isthmus of Tehuantepec having expired, all the concessions made to you by the decree of March, 1842, have ceased, and the Republic has reassumed all her rights upon this matter. God and Liberty!

LUIS DE LA ROSA.

TO SEÑOR DON JOSE GARAY, *New York.*

BALTIMORE, *April* 8, 1849.

Mr. HALE. That Garay received that notice in season is substantiated by the fact, that on the 12th of April he answered it. Now, it must be remembered that up to this time there had not been the least intimation to Mexico that anybody except Garay had any interest in the contract for making the interoceanic communication. They had been notified of the transfer of the colonization grant, and probably good reasons were suggested why they should favor that assignment, because they wanted foreigners to come in and settle. But up to this moment they had never received any intimation that anybody but Garay was interested in the other grant; and when they did hear it, they notified Manning & Mackintosh that they did not recognize them as transferees of Garay, inasmuch as the two years granted by the decree of 1846 had expired, and the privilege of the claim had likewise become extinct.

In view of all these facts, I wish the Senate to look at the position of the President of the United States, of the late Secretary of State, and of our Minister to Mexico. The complaint has gone out to the world that, induced by the tempting offers of Mexico, American citizens have gone on and invested their money, their means, in this grant, relying upon the good faith of Mexico; and that Mexico having refused to keep her faith, this Government is called upon to go even to the extreme resort of war, to vindicate the outraged rights of those American citizens who have been thus trampled upon by Mexico. Why, sir, this was a Mexican grant to a Mexican citizen, to be performed on Mexican soil, and the time and time again for which the extension had been sought and granted, had expired, and nothing had been done. Then it was sold to Manning & Mackintosh, to induce the English Government to come in and see if they could not be affected. It was transferred to English subjects in order to try to get England to bully Mexico into what her sense of justice would not dictate to her. I do not know, and I have not the facts that I can state to the Senate sufficient to warrant me in saying, that an application was made to the British authorities to induce them take up this claim of Manning & Mackintosh. I have not such evidence as will authorize me to lay it before the Senate, but I have as much as satisfies my own mind that their interposition was asked, and that the British officials refused to touch it with their fingers.

What then? Six months after this—six months after the contract had expired, and had been annulled, we find—what? After the Government of Mexico had notified Garay, had notified Manning & Mackintosh, and everybody, that the grant had expired by its own limitation and by a neglect to comply with its conditions; after an attempt had been made to enlist the powerful support of the British Government in behalf of the claim assigned to Manning & Mackintosh, British subjects, and it stood in their hands, Mackintosh sending, day after day, notes to the Mexican Government, and his own Government not appearing to back him up; what then do we find? Why, on the 15th of July, 1849, six months after this, Mr. Mackintosh informed the Government of Mexico that he was going to inform his partners, residing out of the Republic, of what had taken place in regard to his enterprise, the headquarters of which, by common consent of all parties interested, had been definitively established in the United States; the company being represented by Señor Don Pedro Amada Hargous, who for the future would deal with the Government of the Republic, since he, Mackintosh, had ceased to represent the interests of said company. That is the first time, the 15th of July, 1849, that Mr. Hargous's name appears in this matter. The grant had before that time expired by its own limitation in 1848. It had been annulled by the Mexican Congress, and resumed by the Mexican Government. Mackintosh, the English assignee, had been notified of this; Garay had been notified of it; the thing was as dead as death could make it. Then, in order to revive it, if possible, it was assigned to citizens of the United States, and the Government of the United States was called upon to go in and vindicate the rights of its citizens, who had been induced, upon the tempting offers of Mexico, to invest their capital in the enterprise.

What were those offers? Why, sir, the Mexican Government said to every citizen of the United States, "Before you can be interested in this contract, or before you can go on to this line as a settler, you must renounce your nationality—you must give up the idea of appealing to your own Government—you must come here upon Mexican soil, and take a Mexican contract, and be content with Mexican laws, and such a judgment and adjudication of your rights as Mexican tribunals can give you." These were the tempting offers that were held out. That was the plighted faith of Mexico upon which the citizens of the United States went there, and invested their means in this contract.

Now, I know very well that there is an attempt made by the Committee on Foreign Relations and by the Secretary of State, to show that, notwithstanding the grant had expired by its own limitation; notwithstanding the objections to the authority of Santa Anna, and of Carnilizo, and of Salas, to make the decrees; notwithstanding that the two years prescribed by Salas in his decree of November 6, 1846, had also expired, there are yet reasons enough by which it can be made to appear that Mexico has acknowledged the grant subsequently. I will first take the reasons given by the Committee on Foreign Relations. The committee say:

"The committee will now proceed to show that the Mexican Government has, subsequently to this decree of November, 1846, recognized, in the most unequivocal manner, the binding validity of this grant, and admitted its obligation to abide by it.

"In 1846–'47 the assignment of the grant to Manning & Mackintosh was duly notified to the Government of Mexico, and, on their complaint, President Herrera issued orders to the Governors of Oaxaca and Vera Cruz to prevent the cutting of mahogany, on the lands granted, by any other than the English company."

That is one reason, and the answer to that must have suggested itself to everybody who has listened to me. The assignment spoken of here, made in 1847 to Manning & Mackintosh, was not an assignment of the right to make a communication between the two oceans, but it was an assignment of the mere right to colonize the country. It related to colonization entirely. That was an object which the Mexican Government was anxious to have effected, to have the country settled, and therefore it confirmed that assignment. It is an abundant answer to that further to say that Manning & Mackintosh so understood it; Garay so understood it; and everybody so understood it; because in September, 1848, Garay executed another conveyance to them, by which he gave them, in addition to the right of colonization, the right of making this way across the Isthmus of Tehuantepec. The committee go on to give their second reason:

"In 1847, whilst the treaty of peace was under negotiation, Mr. Trist, the Commissioner on the part of the United States, by instruction from his Government, proposed a large money consideration to Mexico for a right of way across the Isthmus of Tehuantepec, and was answered 'that Mexico could not treat on this subject, because she 'had, several years before, made a grant to one of her own 'citizens, who had transferred his right, by authorization of

'the Mexican Government, to English subjects, of whose 'rights Mexico could not dispose.'"

Whatever these negotiations may have meant—whether they meant to have a little diplomacy there—whether they meant to represent the matter a little stronger than it was—nothing is clearer than that they could not have had in their heads or hearts the idea that Garay had assigned to any English subjects the right of making this inter-oceanic communication, because the contract under which Manning & Mackintosh claimed that right was not executed until some eighteen months afterwards. That contract was executed in September, 1848, and these negotiations were going on in the early part of 1847. It is therefore perfectly plain that the negotiations could not have referred to a grant to make that way across the Isthmus, because it was not assigned to Manning & Mackintosh for more than a year afterwards. What, then, did the Commissioners mean? They meant the right of colonization, because that was the only contract which had been made. But the committee go on and give their third reason to show that Mexico acknowledged this grant, and that reason is in these words:

"After the assignment of the grant to the present American holders, the Minister of the United States in Mexico was instructed by his Government to apprise that of Mexico of the desire of this company to commence their work by a thorough survey of the Isthmus; and the Minister was further instructed to make overtures for a treaty securing to the enterprise the joint protection of the two Governments. The Mexican Government, as we learn from the correspondence of Mr. Letcher with the Mexican Minister of Foreign Relations, 'made not the slightest opposition in 'forwarding passports, and issued orders to the departments 'of Oaxaca and Vera Cruz, not only to avoid interposing 'any obstacles in their way, but, on the contrary, to afford 'them aid and hospitality.'"

As has been remarked, I think by the Senator from New York, [Mr. SEWARD,] who addressed the Senate upon this subject some days ago, it is a very curious fact, that while there are so many letters and so many short notes given, which passed between Mr. Letcher and the Mexican Government upon this subject, this very important letter, in which he communicates to them the fact, as would seem to be supposed by the Committee on Foreign Relations, that this company were desirous of sending on engineers to pursue the work, is not found in the correspondence. There is no account of it. Mr. Letcher made some sort of a communication, soliciting for some engineers, upon some terms, the right to go over there and make a survey. Did Mr. Letcher tell the Mexican Government when he made this application, that the engineers were the servants of this company, that the holders of the Garay grant were about to commence operations, and that he wished passports for them? You cannot tell. So far as Mr. Letcher's application is concerned, there is a perfect vacuum. We do not know what he said, but I think the Senate will be at no loss to gather what it was, from the answer made by the Mexican Minister, Mr. Lacunza, to the Governor of Oaxaca, because in that he recites the application to him. The letter of Mr. Lacunza is in these words:

MEXICO, *April* 5, 1850.

MOST EXCELLENT SIR: Several American engineers having been appointed for the purpose of examining the possibility of opening a communication between the two seas, by way of the Isthmus of Tehuantepec, and desirous as is his Excellency the President, during their travels in your State, that they should meet with no embarrassments, but, on the contrary, be treated with all hospitality, he has been pleased to direct that his wishes should be communicated to you, as I now have the honor to do, officially; repeating, at the same time, the assurances of my esteem. God and liberty! LACUNZA.

HIS EXCELLENCY THE GOVERNOR OF STATE OF OAXACA.

I think the Senate will be at no loss to understand what sort of an application was made to Mr. Lacunza for these passports. It was a representation that engineers had been appointed by the American Government. What is the language? "Several American engineers have been appointed." For what purpose? For commencing work under the Garay grant? No; nothing of that sort, but "for the purpose of examining 'the possibility of opening a communication be-'tween the two seas by way of the Isthmus of 'Tehuantepec." Such was the representation that was made to Mr. Lacunza, the Mexican Minister, upon which the passports were granted. Mexico was as desirous of ascertaining the possibility of that communication as the Government of the United States; and finding that this Government had appointed its engineers to ascertain the practicability of this great work, which was to do so much for Mexico, for the United States, and for the world, they did what was becoming the offices of a friendly Government. They issued a request to the Governor of the State through which the engineers were to pass, that they might be hospitably received and treated while they were ascertaining the practicability of this communication.

These are all the reasons assigned by the Committee on Foreign Relations to show that Mexico has recognized this grant, except what is to be found in the treaty itself; that is, the treaty which was signed by the Mexican and the American Ministers, and transmitted to this Government, ratified by the American Senate, and rejected by the Mexican Congress. Now, I take it for granted that I need not argue before this enlightened body that nothing in such a treaty as that can by any possibility be binding upon Mexico. Who ever heard that a treaty reduced to writing, and signed and ratified by one Government, imposed any obligations upon a Government which rejected it? It is a new doctrine, and one which cannot be sustained. With all deference to this honorable committee, I think they must have been hard pushed for reasons when they undertook to find, in the fact that the Garay grant was acknowledged in a treaty which Mexico rejected, evidence that Mexico had admitted the grant. But even that bare apology of a reason does not exist, because there is nothing of that sort in the treaty; but there is a simple provision that the actual holder of the right, be he who he may, should be consulted.

Thus I have disposed of the reasons why Mexico has acknowledged this right, so far as the Committee on Foreign Relations are concerned. But Mr. Webster, in one of his letters, has more reasons than the committee, if they are not better. In a letter to Mr. De la Rosa, dated Washington, April 30, 1851, (after Mr. De la Rosa had notified him, and after this Government had been notified times innumerable that Mexico did not and would not recognize this grant,) Mr. Webster wrote back, evidently with a good deal of temper, and told them that Mexico did recognize it. Mr. De la Rosa wrote an earnest and respectful letter to Mr. Webster, telling him that his Government never could recognize the Garay grant, and Mr. Webster wrote back telling him that Mexico did recognize it. Mr. Webster went on and gave eleven reasons to show that Mexico acknowledged the grant.

His first reason is the decree of the Mexican Government of the 1st March, 1842. Well, sir, as that expired in 1844, it seems to me that the first reason of the eleven must fall to the ground. The second is the contract made between the Mexican Minister of Foreign Relations and Don José de Garay. Under that decree the contract was limited to the time specified in the decree, and died with it; that is to say, in July, 1844, but was subsequently extended to 1845. The third reason given by Mr. Webster is the Mexican decree of the 9th of February, 1843. That was a decree giving the lands that were conveyed by the contract of the 7th of January, 1847, into the possession of Garay; and how the sagacious mind of Mr. Webster could have gathered from the fact that Mexico consented that the lands which were afterwards assigned to Manning & Mackintosh for colonization should be given up to Garay, was proof that they had recognized the existence of this grant, which expired in 1845, and afterwards in 1848, passes my comprehension.

The next reason given by Mr. Webster is the decree of the same Government, of the 4th of October, 1843; that is the decree permitting engineers to go on and make a survey. The fifth reason is the decree of the same Government, of the 28th of December, 1843; that is the one which extended the grant to 1845. The sixth reason is the Mexican decree of November 5th, 1846; that is the decree of Salas, which expired in 1848, and how Mr. Webster could find evidence in the fact that a decree which expired in 1848 acknowledged the existence of the grant after 1848, is also a matter that I cannot comprehend. The seventh reason is the note of the Mexican Commissioners to Mr. Trist, of September 6th, 1847. I have already commented upon that, and I have shown that that note had nothing to do with the Garay grant, properly so called, but related to colonization. Mr. Webster's eighth reason is certainly a curious one, and it is "the note of Mr. Clifford to Mr. Lacunza, of the 20th of June, 1849." Mr. Clifford wrote to Mr. Lacunza, inquiring of him if the grant had been annulled. Mr. Lacunza answered that it had not been annulled, but that it was liable to be annulled for the reason that its conditions had not been complied with. How Mr. Webster could find in that inquiry of Mr. Clifford any evidence that the Mexican Government acknowledged the existence of the grant subsequent to 1848, I confess I cannot conceive.

The ninth reason of Mr. Webster is the letter of Messrs. Manning & Mackintosh to Mr. Lacunza, of the 25th of July, 1849. That was the letter in which Manning & Mackintosh inform the Government of Mexico that they had become the assignees of the Garay grant, and that Government refused to recognize them as such, and in that fact Mr. Webster finds evidence that Mexico had assented to it. Manning & Mackintosh told the Government of Mexico that they were the assignees of Garay. Mexico said, We cannot recognize you as such; yet that is cited as a reason to prove that Mexico did recognize them.

The tenth reason is the letter of Mr. Lacunza to Mr. Letcher, of the 5th of April, 1850, communicating a copy of an order of the same date issued by the Mexican Government to the Governor of the State of Oaxaca, directing him to receive with hospitality the American engineers who had been appointed to survey the Tehuantepec route. Mr. Webster here evidently treats it as if American engineers had been appointed by the Government, and in the fact that they were hospitably received by Mexico, he finds evidence that Mexico acknowledged the grant.

The eleventh and last reason of Mr. Webster is the same as that suggested by the Committee on Foreign Relations, the articles of the treaty which had not been accepted, but on the other hand had been rejected by Mexico.

In these eleven reasons, and in the three or four assigned by the Committee on Foreign Relations, are to be found the reasons which render it incompatible with the dignity of this Government any longer to negotiate with Mexico on this subject. Now, what has been the course of Mexico? What has she done? Has Mexico refused to treat with the Government of the United States? Has Mexico, like China, shut herself up within her own borders, and said there shall be no egress or ingress, or passing across her territory? Far from it. Mexico, from first to last, has not only been willing, but has been anxious to open this communication. Read the letters. I shall not weary the Senate by going over them. But any one who will read the letters of Mr. Letcher to the Mexican Government, and the answers, will find that Mexico was earnestly and anxiously desirous to have this communication opened; but this Garay grant she would not confirm. Mexico says she will not give up the sovereignty of her soil to a mere private corporation. Mr. Letcher wrote home and told the Government that he had been informed by the Mexican Minister, "Once remove this Garay grant, and there will be no difficulty at all in making a treaty." This is a very important point, and therefore I will read from Mr. Letcher's letter. In the letter from him to Mr. Webster, dated 14th December, 1851, relating a conversation which he had with General Arista, the President of Mexico, he says that Arista told him—

"That Mexico was poor and oppressed, but so far as he had it in his power to guard and protect her honor, he was determined she should not only be free from just reproach, but should stand upon elevated grounds before the world, in every particular, in reference to a matter of so much importance; that although she had been, and was at this moment, badly treated by many of my countrymen, still, from motives of sound policy, she was disposed, and such was his own sincere wish, to concede to the United States, in preference to any other Power, all the privileges which might be necessary to accomplish the greatest enterprise of the age; but that, in the event of such concession, no allusion must be made to the Garay grant.

"'Leave out that grant—say nothing about it, and I am ready,' said he, 'to enter into a treaty with you which I think will be satisfactory to both countries.'"

How was this Garay grant looked upon in Mexico? Let me show you how it was looked

upon there. Mr. Letcher, in his letter to Mr. Webster of the 29th October, 1851, says:

"It appears there is a fixed prejudice from one end of this country to the other against the Garay grant, upon which you know the treaty is predicated."

In the same letter, he says:

"It is opposed by the clergy, by the press, by both Houses of Congress, by every political party, by every faction, and by every fragment of a faction in the whole country."

Here, then, was a grant odious to Mexico; odious to every class in Mexico; annulled by the Congress of Mexico; the holders of which were notified from the first assignment which was made, that Mexico would never recognize them. And yet, the great interest of the age, this communication between the two oceans, is to be suspended; the progress of society, the great interests of commerce and of social intercourse, and all the interests of humanity, which are so intimately connected with the opening of this transit between the two oceans, are suspended and blocked by what the Mexican Minister of Foreign Relations has well termed a mere frigid mercantile speculation.

And, sir, to such a degree had this Garay grant magnified itself in the estimation of the Administration, that when a treaty came to be formed for the opening of this way between the two oceans, it was made by this Government a condition of the treaty, that the actual holder of that grant should give his consent to it before it should be submitted to the Senate. And Mr. Peter A. Hargous comes forward, and notifies Mr. Webster that he, Peter A. Hargous, is the man who stands, like the Angel with the flaming sword at the gate of Paradise, and that no treaty of peace shall come before the American Senate until he gives his consent to it. Yes, sir, it was a tripartite convention. We were not willing to enter into a tripartite convention with France and England in reference to Cuba; but we were willing to enter into a treaty, one party of which was the United States of America, another the Republic of Mexico, and the third, Peter A. Hargous. Mr. Hargous says that Mr. Webster submitted the treaty to him, and he made various suggestions of modification to it. Now, I ask, is not that a most humiliating position for this country to stand in? But there is another fact that I have upon the very best authority, which, in my humble judgment, is disgraceful to the American Government, and I will state it. When your Minister goes to Mexico,—and I will do Mr. Letcher the justice to say that I am told he did not begin the practice,—he is the guest, he is fed at the board and lodged in the bed of this very Mr. Hargous.

Mr. SEWARD. That is not true of the present Minister.

Mr. HALE. I do not say anything of the present Minister; but it is true, as I am informed on authority which I cannot doubt, and abundance of which is now in this city, that when, for years back, a Minister is sent from this country and arrives on the frontiers of Mexico, he is taken possession of by Mr. Hargous, fed at his board, lodged in his bed, and kept there, and considered, instead of being the representative of this Government, as a sort of *attaché* to Mr. Hargous.

Mr. MASON. I ask the Senator to state the authority on which he makes the declaration that the American Minister in Mexico lodged at the house and lived at the board of this Mr. Hargous, who is now the holder of this grant.

Mr. HALE. I do not say which of the Hargouses it is, for I understand there are two brothers of them in one firm. I do not say which of them it is.

Mr. MASON. I am uninformed about the fact, but it is a very serious charge to be made in reference to a gentleman who represented this country abroad; and I submit to the Senator that he state the name of the person upon whose authority he makes the charge.

Mr. HALE. I will state the authority, and I have more than one authority for it. I will give the Senator the name of Mr. Buckingham Smith, who was Secretary of Legation to Mexico. I will give him the authority of Mr. La Vega, the present Secretary of Legation of Mexico near this Government.

Mr. MASON. Then the Senator will allow us to know what the charge is. Do I understand him to say that the American Minister lived at the house of this Mr. Hargous, who is now the representative of this claim?

Mr. HALE. One of the Hargouses.

Mr. MASON. I want a direct answer—yea or nay.

Mr. HALE. I suppose it is both. The firm is Hargous & Brother, I believe.

Mr. SEWARD. Peter A. Hargous lives in New York, and his brother lives in Mexico.

Mr. HALE. I am told that one of them lives in New York, and the other in Mexico. It is one of the brothers. I understand they are associated.

Mr. MASON. I understand, then, the Senator does not make the charge that the American Minister lived at the house of the representative of this claim?

Mr. HALE. I say that the American Minister lived at the house of one or other of them, Peter A. Hargous or his brother, or both. I said I would do Mr. Letcher the justice to say that I did not believe he began the practice, but that it was a matter which was in existence before his time. Whether it was Peter or his brother I do not know, and that is no matter. It was one of them. I say that for the American Minister to be the guest and to be residing in the house of one of the members, or the brother of a member of this firm, at the time when he was urging the claim of these Hargouses, and when the claim of Hargous prevented the ratification of a treaty between the two Governments, is a fact that ought to be known. Whether it confers honor or disgrace I will not trouble myself to say.

Mexico not only made these professions of the President (Arista) that they were willing to execute a treaty for the opening of this way if the Garay grant was not insisted upon, but the Minister of Mexico, Mr. Ramirez gave evidence of the sincerity with which he entertained these sentiments by the fact that he transmitted to this Government for its acceptance and ratification, a treaty in which this right of way was fully secured, and secured as a neutral pass for all friendly nations. The Government of the United States did not accept, and did not send to the Senate that treaty, for the sole reason, as Mr. Letcher, months afterwards, as the published correspondence shows, informed the Mexican Minister that it did not take care of the Garay grant. That was the whole of it. That was the reason assigned by Mr. Letcher, in the correspondence which has been submitted to the Senate and published, why this treaty was rejected. It was because the Garay grant stood in the way. Here two great nations, Mexico and the Government of the United States—ay, sir, here two hemispheres had to stand apart and refrain from all the conveniences of commercial intercourse, which might be opened to them by this interoceanic communication, because the private interests of a speculating company were thrown in the way. The nations had to stand back, commerce to stand still, progress to cease, and humanity not to go forward, because this mercantile speculation was thrown in the way. And now our Government is called upon to levy war against the Republic of Mexico, because she will not do what she has told you she cannot and will not do; what is repugnant not only to the opinions of her Government and her tribunals, but is hateful and odious to every section of her people.

I will not trouble the Senate with reading the statement which I have before me, giving an analysis of the different changes which have taken place in the affairs of the Government of Mexico, so far as this grant is concerned. My object is simply to state the general views which I take, and which I believe are firm and irrefutable, according to the documents which are submitted to us. But there are one or two other matters to which I wish to address myself for a few moments.

The honorable Senator from Virginia, [Mr. MASON,] in the speech which he made upon the subject, said, that however all this may be, though the argument may all be against him, he considers it an irrefutable proposition, that under what is, I suppose, the old common-law right of way, we have a right of way across Tehuantepec, whether Mexico consents or not. Now, according to the common-law, rights of way are of three kinds, or, more accurately speaking, of two kinds. There is a right of way by grant, and by prescription, which presupposes a grant, and there is a right of way of necessity; and a right of way of necessity is measured by the necessity, and when the necessity ceases, the right ceases. That is the law. If you, Mr. President, sell me a piece of land surrounded on all four sides by your land, so that I have no way to get to the highway except over your land, I have a right to go over it. That is a way of necessity." If you sell me a piece of land surrounded on three sides by the land of strangers, and on the fourth side by yours, I have a right of way of necessity over your land, because you sold it to me. But this right of necessity does not extend to rights of convenience; for if I buy a piece of land of you, and I can get to the highway over your land by going half a mile, and I cannot get to it by my own land but by going around ten miles, that does not give me a right of way over your land because it is twenty times more convenient. The right of way must be one of absolute necessity. If I buy a piece of land of you, it may be vastly more convenient to go over your land than over my own, but if I own land by which I can get to the highway, I have no right of way of necessity over your land, and cannot take it, no matter how convenient it may be.

Let us apply that principle in this case. We bought California of Mexico, and it is contended by the Senator from Virginia that we have a right of way through Mexico to get to it. Have we not the highway? What is the ocean? What is the sea? The highway of nations. We have, then, a right of way over the highway, and that supersedes the right of way of necessity, which we might otherwise have. Besides that, we have got a right of way over our own land. We own all the land from here in a straight line to California, and for that reason we have no right of way of necessity. If these two reasons are not sufficient, I can give you a third. We have by contract another right of way over Panama. Here are three separate rights of way that we have; and the idea that we have a right of way of necessity, is, with all deference to the honorable Senator, absurd. I would not say it if I thought he had examined it; but inasmuch as I know that he cannot have examined it, I must say, that the position is absurd. The common-law is, "A right of way may arise from necessity in several respects;"—— but I will not read it. I was about to read from Kent's Commentaries; but the same doctrine which I have stated to you is there laid down, and it is not necessary to read it.

A SENATOR. That is the common-law doctrine, and does not apply as between nations.

Mr. HALE. The same doctrine, however, is laid down by Vattel in "the law of nations." But the right of way is the right to pass over the soil, not to subvert it, not to dig it up, not to make canals, not to make railroads; but it is simply to pass over the soil in the easiest manner possible, doing the least possible injury. I trust the honorable Senator from Virginia, who is an able and astute lawyer, when he comes to examine this matter, will reconsider that opinion of his, and that he will not be prepared to go to war upon the doctrine of a right of way of necessity, on our part, over the Isthmus of Tehuantepec.

The honorable Senator from Louisiana, [Mr. DOWNS,] in his remarks on this subject, made a suggestion, which I was very sorry to hear, and that was, that we should go and take possession of the Isthmus by force. Sir, I think we are going back to the ages of barbarism when the law of force is to be substituted for the tribunal of reason and argument. We are too late in this age of the world to throw away the aids of diplomacy and reason and argument, to resort to the law of force; and I trust we shall not do it. This argument of force has been threatened to Mexico again and again; and what has Mexico said to it? I have not the extract by me, but I have it in my memory. Mexico, when force was threatened her, answered, substantially: "Your Government is strong, ours is weak; you can take what of our soil you please, but we cannot go further than we have gone."

Sir, in that very declaration Mexico is stronger than you are with your armies; in that very dec-

laration she has fortified herself in a position too impregnable to be assaulted by your artillery. Why, sir? Because she has appealed to a feeling in the human heart which we will not disregard and will never forget, and that is to our magnanimity—to our sense of justice—to the regard with which the strong should ever consider the weak. She has placed her argument before us; she has demonstrated, to say the least, to her own satisfaction the integrity of her position and the justice of her cause; and when you reply to this appeal that you are going to take forcible possession of her territory, what is her answer? "You are strong—we are weak; take what you will; we can go no further." Sir, this country will learn in such a contest as that, that there are forces more formidable than armies, and one such force is the enlightened public opinion of the civilized and Christian world. And that same public opinion which threw the ægis of its protection around the wanderer Kossuth in the Turkish realms, and saved him secure from the gigantic power of Russia, will shield and protect Mexico from any assaults which have been threatened upon her by this Administration.

I know, sir, that I have taken what will be called an unpopular side of this question; I have taken the Mexican side. I know that, in the cant and popular phrase of the day, it will be said I am against my country. Sir, I am for my country. I desire that her fame may be preserved untarnished. I desire that justice may mark her progress. I desire no interests, no attainments for her that are inconsistent with the highest regards that are due to the rights of our neighbors, and more particularly and emphatically our weaker neighbors. Such I believe to be the position of Mexico. She is strong in her weakness. She is strong in the appeal which she makes to our magnanimity, to our justice. I stand here, then, to-day, sir, pleading not for Mexico, but for my own country; and I ask that you will not tarnish the fair fame of the Republic. I ask that you will not commit this wrong which you are threatening to perpetrate upon a nation which may be said literally to be helpless at your feet; that you will not in that way tarnish the reputation which yet has continued to be the pride and boast and the inheritance of all our people. No, sir; let the interests of the nation, of the age, of humanity, of commerce, of social intercourse, of Christianity and civilization, be taken out of the broker's board. Sir, we want somebody to come in, as the Saviour of old went into the Temple of Jerusalem, and drove the money-changers out of the Temple. We want to bring to the deliberation of this question those considerations which pertinently and appropriately belong to it. When that is done, when this Government is content to advocate these great interests, and leave those who may have made contracts with the Mexican Government to the appropriate remedy under Mexican laws, then, and not till then, shall we put ourselves right.

I believe that it is our duty, as is suggested in one of the resolutions reported by the Committee on Foreign Relations, "to review our existing relations with Mexico;" and it is our duty to discard entirely the Garay grant; it is our duty to throw it aside. As was well suggested the other day, we are changing the venue. The issue was properly triable in Mexico. It has been tried there, and the grant has been condemned there. It was tried, abandoned, and condemned, before any citizen of the United States had anything to do with it. I protest, then, that we shall not be brought in, as second-rate lawyers, to take up and advocate a dishonored obligation, and have our negotiations reduced to that low standard. If we are going to be practicing attorneys for Mr. Hargous, to assert his claim, let him bring us a claim that is not dishonored upon its face. Sir, it is an insult to us when he comes and asks the United States to lend their diplomacy to enforce his claim, when he presents us a claim which is dishonored on its face; which has been defeated and has expired. We are not the first attorneys that have been applied to. The claim was first transferred to Great Britain, and she refused to touch it. Six months it remained in that situation, and then, in July, 1849, an appeal was made to the American Government. This Government commenced its negotiations with the Mexican Government, as disclosed in the document which I have before me, continued and ended with the Garay grant.

Sir, I will not intimate, because I do not believe, and I have no opinion on the subject, that there were any undue influences brought to bear upon anybody, at any time, in reference to this grant; but I will say that I think there was force in the suggestion which General Arista made to Mr. Fillmore, in his answer, when he told him that there was something a little mysterious about it. I leave the thing there.

I have thus, sir, in, I know, a very imperfect manner, laid before the Senate the facts which I have collected in relation to this matter. I have spent some time upon it. I have devoted some labor to it, because I have felt, and felt deeply, upon it. I have not laid the facts before you as succinctly and distinctly as I might, but I think I have laid before the Senate enough to satisfy any man who will look at the question with an unbiased judgment, that duty and honor and humanity and self-respect, demand of us that we take this Garay grant and throw it out of this Chamber, so that we shall be left free from any such disturbing influences, and come to the consideration of those great questions which should appropriately engage the deliberations of the American Senate, when we are investigating such weighty matters.

THE TEHUANTEPEC GRANT.

SPEECH OF HON. W. BROOKE,

OF MISSISSIPPI,

IN THE SENATE, *February* 15, 1853,

On the Resolutions reported from the Committee on Foreign Relations, in regard to the Tehuantepec Grant.

Mr. BROOKE said: Mr. President, I regret exceedingly to attempt to address the Senate at so late an hour, but there are so many special orders ahead, that I am very much afraid if we let this matter go over now, we shall never get in sight of it again, and therefore, with the permission of the Senate, I will offer a very few observations upon this subject at this time.

I am very glad, sir, that the opposition to these resolutions, so far as it has been developed, has come from the quarter from which it has come. The discussion has developed that the opposition comes from that spirit which looks with feelings of hostility upon every object of interest that is not located north of a certain line. It indicates to my mind that spirit which is willing to strike at the dearest interests of the nation, if the blow is struck through a southern heart.

The Senator from New Hampshire has well said, and with prophetic foresight, that he would be charged with having taken the Mexican side of this question. He has well said it. The Senator from New York in his remarks the other day undertook so to adjust the lens of history, as to concentrate its rays upon this perplexed and difficult subject. The Senator from New Hampshire, I suppose, has attempted to assist him in the operation; but those Senators should know that in all optical instruments, unless the adjustment is made with the most truthful accuracy, confusion instead of illumination is apt to ensue. Unless the adjustment is perfect, it may be that the objects of sight upon which it is turned may be swelled to large and unnatural proportions. It may. But again, it may be that they may be diminished to equally unnatural and ridiculous insignificance. Such, I think, has been the result, with all due deference to those gentlemen, of the experiments of each of them. When they turned their historical telescope upon Mexican rights and Mexican interests, those rights and those interests loomed up in most portentous magnitude; but when it was turned upon American rights and American interests, those rights and interests were converted into seeming non-entity.

Mr. President, in the anxiety which I have felt in reference to this question, the interests of the company and of the private individuals who own this grant, have had no weight whatever with me. I have looked to the question solely in a national point of view. I have regarded the great national interests that are at stake. Why, sir, this crossing, as we all know, was deemed of so much importance by Mr. Polk, before the golden treasures of California had developed themselves, that, through Mr. Buchanan, his Secretary of State, he authorized Mr. Trist, his negotiator of the treaty of Guadalupe Hidalgo, to offer Mexico $15,000,000 for it, and for it alone. How was Mr. Trist answered? By the assertion on the part of the Mexican negotiators, I may say on the part of the Mexican Government, that this concession could not be made to the United States because it was already in the hands of English subjects, acquired by virtue of a grant which had been made some years previous. And notwithstanding the assertion of the honorable Senator from New Hampshire, I here assert, with the proof in my hand, or before my eyes, that Mexico never did make any objection to the grant, either on account of its invalidity, or on account of its having expired by its own limitation, until it had come into the hands of American citizens. When it was the property of English subjects, she regarded the grant of such validity and of such sanctity, that she was willing to refuse the tempting offer of $15,000,000 for it; but when she found that it had been transferred to American citizens, then it was that she began to complain of its invalidity.

It will be recollected that the honorable Senator from New Hampshire sent to the Secretary's desk to be read, the notice of the Mexican Minister to Don José Garay, that Mexico regarded this grant as no longer binding—as no longer possessing any validity. What was the date of that notice? According to my recollection, it was some time in the month of April, 1849, and it was based upon a notice given to the Mexican Government in January, 1849. If the Senator had examined with a little more care and attention the American side of this document, he would have found that there was in existence a document transferring this grant to Mr. Hargous in October, 1848. I frankly admit that I have no evidence that Mexico had knowledge of this transfer to Hargous, but it was made in the city of Mexico and acknowledged before a notary. Still, although she may have had no notice of that fact, I am authorized to say from the evidence that it was not until that transfer from Manning & Mackintosh to Hargous that Mexico ever made any objection to the validity of the grant.

We are told by the Senator from New Hampshire that Mexico has always been willing, and is still willing, to concede this privilege, provided the Garay grant is thrown aside. I admit it. But she is not willing, and has never been willing, to concede it to American citizens on such terms as would be consistent with the honor and the interests of the American people.

I hold in my hand a decree of the Mexican Government, issued on the 14th of April, 1852, which contains the terms on which she is willing to make this grant, and by those terms she reserves to herself the full control of the work. She reserves to herself full and complete sovereignty over the whole of it, with a right to impose such obstacles and such charges as she may think proper. In order to show further the disposition of the Government of Mexico, I would state that a gentleman of the name of Sloo made a proposition to that Government last spring.

At the request of Senators the honorable Senator here gave way, and the Senate adjourned.

WEDNESDAY, *February* 16, 1853.

Mr. BROOKE concluded his remarks as follows:

Before coming to the point at which I left this question yesterday, I deem it proper to make some reference to the charges, or rather imputations, which were attempted to be made by the Senator from New Hampshire, not only against Mr. Hargous, but against our Minister to Mexico, and the late distinguished Secretary of State, now no more.

Sir, if an advocacy of this right of way, and of the validity of the Garay grant, on the part of our late Minister to Mexico, and on the part of the late distinguished Secretary of State, implies cor-

ruption, that charge lies not only at their door, but at the door of every member of the Senate who concurs with them in opinion, because our opinions are based upon the same facts and reasoning as theirs. All that I have to say in reference to Mr. Hargous, the representative of the holders of this grant, is, that he is not the gentleman at whose house our Minister to Mexico boarded. That gentleman has not now, and never has had any connection whatever with this grant. But, sir, has it come to this, that a member of this body shall go among the officials and the *attaches* of a foreign embassy to make inquiries as to the place of boarding and the place of sleeping of our foreign Ministers, prying into their privacy, for the purpose of ascertaining their motives of action?

Mr. BORLAND. Will my friend from Mississippi here permit me to say a few words in justice to Mr. Hargous?

Mr. BROOKE. Certainly, sir.

Mr. BORLAND. I heard with great regret yesterday the allusion made to Mr. Hargous, and the imputations which were indirectly, at any rate, cast upon him by the Senator from New Hampshire, [Mr. HALE.] I ask permission of the Senator from Mississippi [Mr. BROOKE] to say a word here for this reason, and this only. I was in Mexico for a large portion of the time when we were engaged in the war with that country, and it so happened that I formed an acquaintance with Mr. Hargous, the one who still resides in Mexico, a somewhat close and altogether favorable acquaintance; and from the opportunities I then had to know him, and learn his character and habits, I well understand, and trust I justly appreciate his course in opening his house to the American Minister, or any other respectable American citizen, who might chance to be in Mexico. Mr. Hargous had resided in Mexico many years, and his position there, and his means, were such as to enable him to do much for the convenience, comfort, and real welfare of any of our citizens, who might need or desire his services and attentions. And, sir, from my personal observation, and from other sources of reliable information, I feel fully authorized to say, and I have much satisfaction in saying it, that those services and those attentions were never withheld; but, on the contrary, that not only his house, but his heart and his purse were always wide open to his countrymen. I am glad of an opportunity to say this. And more, I refer to the reports of our military commanders in Mexico, during the war, in evidence of his patriotic and valuable services in the prosecution of that war. I refer, among others, particularly to those of General Worth, on whose staff he served as a volunteer aid-de-camp, in which service it was my fortune to be associated with him. And in the positions in which we have seen or heard of him, he has been found manifesting the spirit of true Americanism—an open, and warm-hearted, hospitable, patriotic Americanism, which it does an American heart good to contemplate. For such a spirit, no man stands more prominent, or more favorably before the country than Mr. Hargous. From his knowledge of Mexico, from his large means, and his patriotic spirit, few men were able to contribute more, and I doubt whether any one did contribute so much, to the successful operations of our army during the war than this gentleman.

So far, then, from its being matter of complaint or reproach to Mr. Hargous, or assumed as ground of suspicion of impropriety, that he has extended hospitality to the American Minister in Mexico, it is but in accordance with his uniform and praiseworthy course as an American gentleman; and instead of exciting our prejudice against any claim he may prefer, or any one of his name may have, it should the rather serve, certainly, as a favorable introduction of him to our consideration, and dispose us to do, in his behalf, with zeal and alacrity, whatever we may find to do justly. For, so far from finding fault with what he is found to have done, he stands conspicuously before us as a man entitled to the respect of all who respect and appreciate manly hospitality, noble generosity, and true American feeling.

Mr. BROOKE. Mr. President, the honorable Senator from New Hampshire ought to have prosecuted his inquiries a little further. He ought to have descended to the culinary department of the embassy, and inquired of these Mexican *attachés*—

> "Upon what meats hath this, our *Letcher* fed,
> That he is grown so great?"

That would have been conduct equally pertinent, equally dignified, and equally Senatorial. Sir, I have more than once had occasion to wonder at the very low estimate that that Senator seemed disposed to place on the integrity of the officials of this Government. I have heard him on more than one occasion assail the fugitive slave law because it gave a commissioner ten dollars when he returned a fugitive to his master, and only five dollars when he set the negro free, thus in effect charging that the commissioners of the United States in the part of the country where he resides, are liable to have their judgments influenced by the paltry sum of five dollars. Accordingly, in that spirit he has thrown out an imputation upon our Minister in Mexico, and upon our late distinguished Secretary of State, that they were liable to be influenced by improper motives at the suggestion of the Messrs. Hargous. Sir, I should hate to carry such thoughts in my bosom. I should deem them but the reflex of my own mind. I should fear that instead of holding the mirror up to others I was but delineating the corruptions of my own heart. I commend to the Senator the well-known motto of the Order of the Garter, "*Honi soit qui mal y pense*," "Evil be to him who evil thinks."

When I ceased to address the Senate yesterday evening, I was attempting to show that now was the favorable moment for us to obtain this grant, and that judging from the past acts of Mexico, we never could, in all future time, expect to obtain a franchise so favorable to American interests, American honor, and American commerce, as the present. I referred to a decree passed by the Mexican Congress last spring, in reference to this right of way, in which Mexico reserved to herself the full and entire control of passengers and freight across the Isthmus in all future grants. And I was about to refer to a contract that had been partially entered into with Mr. Sloo, as illustrative of some of the burdens that she is determined in future to impose upon all undertakings of this sort. It is a long one, and I will only refer to two articles of it. One, the sixteenth, is in these words:

> "The company binds itself under the Mexican flag, and the laws of the country, to establish a line of steamers from Vera Cruz to the head of navigation on the Coatzoalcos river."

So that Mexico contemplates in all future grants, in all future undertakings, to open this right of way that the steamers which connect it with our country, shall sail under the Mexican flag.

Again, she insists that any future company "shall not construct fortifications upon the Isthmus, form any military organization, nor transport any military forces, national or foreign, without the express authorization of the Government. That is, that in the event of a war, we cannot cross this Isthmus, cannot transport our armies and munitions of war, without the consent of Mexico. I ask Senators whether they are willing that this country shall put itself under such humiliating conditions as not to be able to connect that Isthmus with our own shores, unless by vessels sailing under the Mexican flag, and that we shall not have permission to carry our military stores, munitions of war, and soldiers, across this Isthmus, unless we bend the knee and ask permission of the Government of Mexico?

Mr. President, I propose very briefly to refer to some of the advantages that would accrue to this country from the acquisition of this right of way as it now stands and as it now belongs to our citizens. You are aware, sir, that the Isthmus of Tehuantepec is the most northern of those narrow crossings which indent the outline of the strip of land connecting the continents of North and South America; and here is a point of vast importance to us; it is the only one that has its eastern terminus upon the Gulf of Mexico. With reference to both the crossing at Panama and at Nicaragua our commerce and travel have to go outside of the Gulf to connect with vessels on the Pacific shore. It is an old maxim, and a good one, that in time of peace we should prepare for war; and in the event of a war all our commerce to the Pacific, by way of Panama and Nicaragua, would be exposed on its transit by the present route. I have before me a statement, drawn up by Lieutenant Maury, in reference to the course that vessels have to travel during six months of the year from New Orleans to the peninsula of Yucatan or the Island of Jamaica. On looking at the map one would suppose that the route at all times, from the city of New Orleans to the Island of Jamaica or to the peninsula of Yucatan, would be directly in a straight line across the Gulf, a distance of not more than five or six hundred miles; but we are informed by Lieutenant Maury, that in consequence of the Gulf monsoons, which blow some six months in the year, and in consequence of the strength of the Gulf stream, sail vessels from New Orleans, instead of passing along this direct line, have to go through the Straits of Florida, outside of the Gulf of Mexico entirely, and come again into the Gulf with the Gulf stream current; so that, as I have before remarked, in the event of a war, not only our whole commerce from the city of New York, Philadelphia, Baltimore, Richmond, Norfolk, and Charleston, but also from the cities of Mobile and New Orleans, at least six months of the year would have to pass outside of what may be termed our own sea, and down into the Caribbean Gulf and go to its ports of destination. But suppose that this crossing is in our power; by defending the two narrow passes between the Island of Cuba and Florida on the one hand, and Cuba and Yucatan on the other, which can be done with much less outlay than the defense of our whole commerce outside of those Islands would cost, we would have our commerce entirely within a close sea—a *mare clausum*—the Gulf of Mexico.

There is another matter in the consideration of this question worthy of great attention. San Francisco, by the Tehuantepec route, is seventeen hundred miles nearer to the city of New Orleans than it is by the crossing at Nicaragua; and it is eleven hundred miles nearer to the city of New York; and I am informed by those who are well acquainted with the subject, that the voyage can be made from San Francisco to New York, via Tehuantepec, in seventeen days. There will thus be a saving of seven days over the shortest trip which has ever yet been made by either of the southern crossings.

Nor do I conceive that this project conflicts at all with the great enterprise of a Pacific railway. There are, it is well known, many articles which will ever require water transportation. For instance, the article of coal, which, I am told, loses on an average five per cent. for every one hundred miles it is transported on a railroad. We are now using on the Pacific ocean about two hundred thousand tons per annum, and all this must be transported to California by as short a railroad transit as possible. The conveyance must be nearly all by water, because on a railroad two thousand miles in length, from the Pacific to the Mississippi, according to the rule of computation I have referred to, it would be all wasted away to dust by the time it reached its destination. I merely cite this single instance; but it is manifest that railroads can never supersede water as a means of commercial intercourse; and even were the Pacific railroad built, the present water communications must ever be of indispensable necessity.

But, sir, manifest as are these advantages, I would not insist upon them if we had to seek this crossing without color of authority, without color of title, or without justice; and it is only because I conceive we have a right to insist upon the full and complete title which is now vested in American citizens that I advocate the passage of the resolutions reported by the Committee on Foreign Relations. I will but briefly review that title, and then address myself to some of the arguments that were used against it by the honorable Senators from New York [Mr. SEWARD] and New Hampshire, [Mr. HALE.]

The title arises in this way: In March, 1842, Don José de Garay, a Mexican citizen, applied to Santa Anna, then President of the Republic of Mexico, for a grant of the right of way to construct a railroad or canal across the Isthmus of Tehuantepec. That privilege and concession were by Santa Anna freely accorded to Mr. Garay—accorded to him under the most solemn assurances and pledges

that he and his assignees, whether natives or foreigners, should be protected in the right. Hear the pledge:

"That in the name of the Supreme Government, under the most solemn protests, he declares and promises that all and every one of the concessions mentioned in the preconcerted decree shall be honorably fulfilled, now and at all times, pledging the honor and public faith of the nation to maintain the projector, Don José de Garay, as well as any *private* individual or company succeeding or representing him, *either natives or foreigners*, in the undisturbed enjoyment of all the concessions granted, holding the national administration responsible for any acts of its own or its agents, which, from want of proper fulfillment of the covenant rights, injure the interests of the proprietors; all of course subject to the existence of the inserted decree."

The term of eighteen months was given him, in which to complete the preliminary surveys. Thus, by the original grant, the time for commencing the work was to expire in July, 1844. But Santa Anna, in December, 1843, in consequence of the representations of Garay that it was impossible to complete the surveys in that time, extended the time to the first of July, 1845. Early in January, 1845, Santa Anna was deposed; and in 1845, during the summer, (Herrera then being President of the Republic of Mexico,) Mr. Garay applied to the Mexican Congress for a further extension of the time of two years. His memorial was taken into consideration and referred to a committee. That committee made a favorable report. The report and resolutions recommending the extension of the grant for two years were unanimously adopted by the Chamber of Deputies, and sent to the Senate. In December, 1845, and before it could be acted upon, or rather while it was in the act of being passed, with the same unanimity with which it had passed through the other House, the Congress was broken up and the members dispersed by another of those revolutions which are so frequent in that country. Mr. Garay, on that account, failed in obtaining an extension of the time. Paredes succeeded, and in 1846, he was in his turn deposed, no Congress having met in the mean time. As evidence of the high estimate in which this great work was viewed, not only by Santa Anna, but by all parties in Mexico, I here refer to the report spoken of, and will read an extract:

"The committee would require the most eloquent pen to portray (if it were possible) the utility and the immense advantages which will redound from the realization of this enterprise to all countries, and especially to that upon whose soil it is made.

"Indeed it is true that we are placed between two oceans, and that it would be as easy for the country to establish its commercial depôt for the trade with Europe and Africa upon the eastern coast, and that with Oceanica and Asia upon the western shores of the Republic; but can we, in our infancy, and in a perpetual state of revolution, expect that our country should become the emporium of the commerce of the world? By no means—for we cannot even compete with the meanest monarchies of Europe, nor with the dilapidated empires of the East.

"Being in this situation, nothing suits our condition better than the opening of the contemplated communication. Our country, through it, can then become the center of wealth and prosperity, particularly when we reflect upon the richness of our mines, which are sources of envy even among the remote nations of the East. Perhaps, after all, we are destined to be the first nation of the globe. Flattering vision! God grant that it may prove prophetic!"

By another revolution Salas was made Provisional President, in accordance with what was called "the Plan of the Citadel;" and as soon as he was clothed with power, his attention was called to this application of Garay for an extension of the time. He took it up and examined it, and by a decree made on the 5th of September, 1846, he granted to Garay the extension which had been recommended by the Congressional committee and which had passed unanimously the lower House of the Congress of Mexico. In 1847 Garay assigned this contract to an English house, the firm of Manning & Mackintosh, who subsequently transferred it to citizens of the United States, and is now the property of a company located in New Orleans, who have since attempted to carry out the design of making the road, by sending a company of men there to make further surveys of the route, with a view of commencing the work. This company was driven off by the Mexican authorities, and the grant was declared void by the Mexican Government in 1851. I asserted yesterday, and I assert again, and I can make good the assertion by documents and proofs before me, that no objection was ever made to this grant, either on account of the time having expired within which the work was to be completed, or on account of the want of power in those who made it or extended it, until the grant passed out of the hands of the English company into the hands of American citizens. Nor, sir, was it until the year 1851, as is shown by a note of the Mexican Minister in this city to Mr. Webster, that any objection was ever made to this grant for want of power in those who made it. On the contrary, in 1849, in the note to which I have referred, the whole objection that was made, after she found the grant had passed into the hands of American citizens, was that it had expired by its own limitation. Here is an extract from Mr. De la Rosa's letter to Mr. Webster, of July 3d, 1851:

"Under date of April 8, 1849, Don José Garay was informed by this legation that the Minister of Relations of the Mexican Republic had determined, by order of his Excellency the President, that, inasmuch as the period for which the privilege had been extended for opening an oceanic communication through the Isthmus of Tehuantepec, had expired without any efforts having been made by said Garay to comply with the terms stipulated therein, all grants which had been made by the law of May 1, 1842, had, therefore, ceased to exist, and that the Republic had resumed all its rights in regard to that matter."

Within the time of the first extension, Mr. Garay employed an engineer by the name of Moro, who made a survey of the premises, according to the requirements of the contract. He communicated that fact to the President of the Republic, and by a letter which is here from the Minister of State, by order of the President, to the Governor of Oaxaca, Mr. Garay was directed to be placed in full possession of the land granted by the original contract.

In reference to the two years embraced in the last extension, we place ourselves on this principle, that in consequence of the war with the United States—a war which has been declared by Congress to have been the act of Mexico—Mr. Garay and his assignees were exempted from complying with the contract, so far as the further prosecution of the work was concerned, during that period. But, sir, it is not necessary to refer even to that well-known principle of law, that the act of the grantor will excuse the non-performance by the grantee of the conditions of the grant; because in 1847, we have proof before us that Mr. Garay again went upon the route to survey it. In 1848 he again went on with the survey commenced in 1847. So that from the beginning to the end of the whole transaction, there is nothing that appears on its face, or in any of the papers, which can affect the contract with nullity in the slightest degree. I shall refer more particularly to this proof, when I come to examine the statements made by the Senator from New York, [Mr. SEWARD,] and to do what he failed to do, "adjust the lens of history so as to concentrate its rays upon this subject."

Now as to the grounds assumed by Mexico upon which this grant is declared to be invalid. The first is, the want of power in Salas to grant the extension of time. It is alleged that Salas had no authority, by virtue of the convention or plan by which he came into power, to grant this extension. To that it is a sufficient reply to say, that Salas, as all the Presidents of Mexico who have preceded him since 1836, were dictators *de facto*. And indeed it may with truth be asserted, that since 1836 there has been no responsible government in Mexico, unless it was a dictatorship. It is a principle of law too well established, that no individual or nation is required to verify the legitimacy of any Government with which they may have a negotiation or transaction. On that point we have many precedents, but it is unnecessary to refer to them, as the principle is so universally acknowledged as to need no elucidation. In accordance with this principle I assert, that if the proposition of the Senator from New York is true, that the grant made by Santa Anna, and extended by Salas, is not valid for want of power in those functionaries, then our title to California and New Mexico is without any foundation; for by the history of the time, it can be shown that the Government of Mexico, by which the treaty of peace was made with the United States, the Government of Peña y Peña was as much affected with illegitimacy as were those under which these concessions are claimed. It is a historical fact, that when the treaty of peace was about to be acted upon, the President, for the purpose of securing a majority, determined to exclude the delegates from New Mexico, Yucatan, and California, leaving thus an unconstitutional Congress to cede away two of the departments of the Republic. This principle was expressly recognized, and the contingency contemplated by Mr. Buchanan, in his instructions of April 15, 1847, to Mr. Trist, an extract from which I will here read:

"So rapidly does revolution follow revolution in Mexico, that it would be difficult to conjecture what form of government you may find in existence over that ill-fated country on your arrival at the headquarters of the army. The constitution of 1824 may then have been abolished, and a dictatorship be again existing in its stead. You will not hesitate, however, to conclude a treaty with whatever Government you shall find there upon your arrival; provided it presents a reasonable prospect of being able to maintain itself. Should a dictator be established, who has subverted the constitution of 1824, and acquired the supreme power, his ratification of the treaty will be sufficient without the previous approbation of the general Congress. Were this Government to refuse to conclude a treaty of peace until the Mexican Government shall assume any permanent constitutional form, the war might yet continue for many years to come."

Yes, sir, and he might have added, "forever;" and we may say, that if a grant of a right of way, or anything else, is to depend upon a permanent form of Government, or on any Government which had a permanent constitutional form, none such could ever be made. I said, with reference to the powers of Santa Anna when he made this grant originally, and when he extended it in 1843, and in reference to the powers of Salas when he extended it in 1846, that they were absolute, and that those two individuals were exercising *de facto* dictatorial and absolute power in Mexico, and that there was no constitution to control them. What are the facts? The first republican constitution in Mexico was adopted in 1824, a constitution modeled after our own, and imitating it very closely. This constitution, so far from continuing in being for a period of nineteen years, as asserted by the Senator from New York, continued in existence only about ten years, certainly not more than twelve. In 1834, it was abolished by what was called the Plan of Toluca. And, to use the language of a reliable historian, it was not only abolished, but actually and physically "blotted from the statute-books of Mexico. In consequence of this Plan of Toluca, the constitution of 1836 was adopted, which destroyed the State governments entirely, and made the States military provinces with military governors, responsible to the central Government at the city of Mexico. This form of government lasted only till 1841, or about five years. Then, in consequence of one of those outbreaks which are so common in that unhappy country, a convention of officers assembled at a place called Estanzuela, whose deliberations resulted in what was called the Bases de Tacubaya, the seventh article of which conferred the most dictatorial powers on the President. While Santa Anna was thus possessed of supreme power, he issued this grant to Don José Garay.

It is true that Santa Anna, according to the Bases de Tacubaya, as President, was bound to submit his acts to the next Constitutional Congress after the revolution, and he was bound also to call together a convention for the purpose of forming a constitution. Accordingly, in 1842, he did call together a convention of citizens, but before they had completed their deliberations, while they were in the act of forming a constitution, he drove them out of doors at the point of the bayonet; and the next year he caused to be established, by a junta of his own creation, what was called the Bases Organicas; which, according to another historian, were even more tyrannical and absolute in their form, than were the Bases de Tacubaya.

In January, 1845, as I have before remarked, another revolution took place, and Santa Anna was again deposed. Herrera succeeded him; and during the existence of his administration the Congress was called together, to which I have alluded, the lower House of which passed unanimously the decree which was afterwards ratified and made a law by Salas, and which only failed to pass the Senate in consequence of the revolution which overthrew Herrera and put Paredes in his place. Salas succeeded by another revolution in the summer of 1846, and came into power under what was called the Plan of the Citadel. It is true that Salas, in this Plan of the Citadel which he promulgated, proposed to be governed by the

constitution of 1824. It seems that this defunct constitution of 1824, which was most effectually put to death in 1836, was made use of by one usurper for the purpose of displacing another. In reference to it, we might exclaim with Macbeth, in view of Banquo's ghost:

"The times have been,
That, when the brains were out, the man would die,
And there an end; but now they rise again,
With twenty mortal murders on their crowns,
And push us from our stools."

So it seems that this constitution of 1824, dead and buried as it had been, was on all occasions resuscitated from the tomb for the purpose of being used by one usurper to push another from his stool, and it is now sought to be used for another and a different purpose, and that is to invalidate a solemn contract of a Government fully as legitimate as any they have ever had.

But, sir, even during the brief space that this constitution of 1824 purports to have been in operation, the President violated it by acts of the most tyrannical character, which acts were recognized by subsequent Congresses, and by the Government of the State. The first decree that ever was passed abolishing slavery in the Republic, was made by the act of the President alone, during the existence of that constitution, five years after it had gone into operation. Slavery was abolished by a decree of Guerrero in 1829, by the fiat of his own will. Guerrero himself obtained power by the subversion of the constitution, although he professed to acknowledge it. Pedraza, who had been elected in 1829, was deposed by the Congress a short time after he was elected, and the rival candidate, Guerrero, who had been defeated, was placed in his stead. And yet we are told that all the acts of the Mexican Government must conform to the constitution of 1824, or they are invalid. It is a remarkable fact, that Guadalupe Victoria, the first President elected under the constitution of 1824, is the only one that has served out the constitutional term of four years. In less than thirty years there have been over thirty incumbents of the office; and so rapidly do they rise and fall, that should the Government continue much longer, the future historian will scarcely be able to preserve even a catalogue of their names: they will stretch out, like Banquo's line of kings, "to the crack of doom."

The Senator from New York—for the purpose of throwing some discredit upon this grant, in all probability, for I can attribute his assertion to no other motive—set out with the declaration that Garay was the grantee of four other rights by the Mexican Government; thereby intending, no doubt, to make him appear in the character of a grasping and avaricious speculator; and he goes on to enumerate them. It is not a matter of much moment, and I merely refer to it to state that the whole argument of the Senator from New York is based upon assertions equally as groundless as this. I here assert that Garay was the grantee of no other right than the right of way across the Isthmus of Tehuantepec, and that he never set up any claim to any other right. Now, it is a rule of morals, *alens in uno, falsus in omnibus*. I claim that this single fact has discredited the whole argument of the Senator, because it shows that the source from which he obtained his information, and upon which his assertions and arguments are founded, is not worthy of credit.

His next assertion is, that there is no proof that this work was commenced during the first extension, and also no proof that it was commenced, and the preliminary surveys completed between 1846 and 1848. Now, sir, if the Senator had examined his own documents, the Mexican documents, to which he seems to have had full access, he would have found a most full and complete acknowledgment by the Mexican Government, not only of the commencement, but of the completion of the preliminary surveys in 1843. I believe I referred to this fact once before, but I will repeat it. Mr. Garay, in the month of February, 1843, communicated to the President of Mexico, the fact that he had completed the preliminary surveys, according to his contract, and asked that he should then be put in possession of the lands which had been ceded to him by the decree; and here is the letter of the President, by his Minister, to Garay, inclosing him a letter to the Governor of Oaxaca, requesting him to put him (Mr. Garay) in possession of the lands, because he (Garay) had complied with his contract in making the surveys; at least to an extent sufficient to enable him to commence the work:

OFFICE OF FOREIGN AFFAIRS.

SIR: I subjoin a copy of the communications addressed this day to their Excellencies, the Governors of the Departments of Oaxaca and Vera Cruz:

"MOST EXCELLENT SIR: On the first of May of last 'year, the Provisional President published a decree granting to Don José de Garay an exclusive privilege to open a 'communication between the Pacific and Atlantic oceans, 'in the Isthmus of Tehuantepec; ceding to him, by article 'the fifth, the possession of the untenanted lands that lay 'within ten leagues on each side of the projected road, and 'promising, by article seventh, to render him every assistance in carrying on both the survey and the works. The 'survey is so far advanced as to allow the commencement 'of the works and other operations, without which a project 'of such magnitude would be thrown into jeopardy, greatly 'to the detriment of the Republic. His Excellency, the 'Provisional President, having present these considerations, 'and others which spring from the same decree, and wishing to render effectual the solemn promises made, has been 'pleased to direct me to inform your Excellency of the 'above, that your Excellency may give the necessary orders 'for the fulfillment of the fifth article of the decree, by which 'Don José de Garay is to be put in possession of the untenanted lands that lie within ten leagues of both sides of the 'line of road, requesting, at the same time, that your Excellency will do all in your power, not only to render 'effective the grant of lands as far as your Department is 'concerned, but also to give the assistance and protection 'promised by the Supreme Government to Don José de 'Garay, so as to remove every obstacle likely to prevent or 'retard the execution of the plan.

"It is essential that the Commissioners and other agents 'employed in the opening of this road, which must extend 'from the bar of the Coatzacoalcos on the north, to that of 'St. Francisco on the south, should be protected against 'everything that may prevent the performance of their duties, and in case any claims to ownership of lands should 'be put forth by private individuals, your Excellency will 'regulate your proceeding according to the obligation which 'the fourth article of the decree imposes upon Don José de 'Garay. Full liberty must also be allowed him to give a 'different course to the river Coatzacoalcos and its tributaries, or any other rivers, lakes, or creeks, to clear their 'borders, and use the timber when not required to be felled 'on private ground.

"To know how far it will be necessary to make use of 'private property, as well as to mark out the limits of the 'grant of territory awarded to Don José de Garay in the 'above-mentioned decree, that gentleman is authorized to 'appoint land surveyors, who will be subject to no control 'but that of the officer whom your Excellency may be 'pleased to appoint, and intrust with instructions agreeably 'to this order, and the attendance of the adjoining landowners, whose measurement will fix and determine his 'right of claim to possession. In case any proprietor of 'land refuses to give up his property in conformity with 'this decree, a valuation will immediately be set on foot, 'and according to it the land purchased for the undertaking.

"The greatness of this enterprise merits every effort to 'promote its realization; and it is with this object that I 'have the honor to transmit this communication from his 'Excellency, the Provisional President, availing myself of 'the opportunity to assure your Excellency of my deep respect and consideration."

God and liberty! BOCANEGRA.

Señor DON JOSE DE GARAY.

MEXICO, *February* 9, 1843.

And, sir, if the Senator had paid a little more attention to another document—for the whole of his argument, and the whole of his assumptions seem to have been founded upon documents which were furnished him from Mexico—if he had paid attention to the pamphlet issued by Señor Ramirez, the Minister of Foreign Relations, he would have found that even the prosecution of the work, so far as making a wagon road was concerned, was admitted as late as 1848. It is true, sir, he objects to this kind of work. He says, the grant was not made for the purpose of having a wagon road across the Isthmus. He complains of that, not reflecting that in such a country as that a wagon road is a necessary preliminary or prerequisite to a railroad, and that a railroad cannot be built unless a wagon road is first made for the purpose of carrying the materials. Garay, or his assignees, were not required to finish the road in that time. All they were required to do was to commence its prosecution.

Let us return a moment to the power of Salas, in reference to his connection with the constitution of 1824, as cited by the Senator from New York. He cites the constitution of 1824, by which he shows, or attempts to show, that any action in regard to works of that sort, is confided to Congress; and then he quotes from the Plan of the Citadel, or decree of Salas, in which Salas admits that he intends to carry on the Government, as nearly as possible, according to the constitution of 1824. Article first of this plan or decree of Salas, reads, according to the Senator's translation, in the following manner:

"*Ministry of Foreign Relations of Government and Police.*

"His Excellency the Señor General-in-Chief in the exercise of the Supreme Executive power, has directed to me the following decree:

"José Mariano de Salas, General of Brigade and Chief of the Liberating Republican Army, in the exercise of the Supreme Executive power, to all whom these presents may come: Know ye, that in consideration of the state in which the Republic is now found, he has been moved to decree the following:

"*Art.* 1. Until the new constitution is published, that of 1824 shall govern in all that is not in conflict with the execution of the plan proclaimed in the citadel of this capital on the 4th of the present month, and that the present state of affairs of the Republic will permit."

Now, bear in mind that at that time there was no Congress in session, and none in existence. Then, according to this article, Salas could not conform in any respect, where legislative action was required, to the constitution of 1824, for the simple reason that there was no Congress in existence to which he could apply. Therefore, in everything, this article left him to the guidance of his own judgment, of his own will.

Mr. President, the Senator from New York quotes history again, in reference to the power of Salas. The paragraph to which I wish to refer, it is true, in the second edition of his speech, did not appear; but, according to his speech as it was made upon this floor, it is correctly reported in the paper which I have in my hand, and I have a right to refer to it because of the effect it may have produced here. I state it also for the purpose of showing what reliance is to be placed upon the statements of the Senator in this connection; not that I would charge him with intentional error, but as showing that the Mexican sources of his information are not to be relied upon. Hear what he says:

"We have, then, the decree of Salas, Provisional President, extending this contract for two years; we have the Constitution of Mexico in the first place declaring it void, and we have the Bases of Tacubaya declaring that whatever decrees the Supreme Executive might make, should be submitted for approval to the first constitutional Congress of Mexico. Salas, after having obtained power in the manner which I have described, after having extended this contract by a decree in the manner I have related, after having issued a proclamation, as I have shown, reviving and restoring the constitution of 1824, resigned his powers, and Santa Anna came into the Executive chair in his place. Santa Anna found this decree made, and went out of the Executive office before the 1st of April, 1845; but yet, not without having undertaken to overthrow the constitution of 1824; and it is that attempt of his on which I understand the Committee on Foreign Relations rely."

The decree by Salas was on November 6, 1846; and yet the Senator from New York, according to his Mexican authorities, makes it prior, in point of time, to the going out of power of Santa Anna in April, 1845. Nor is his, or rather their, mistake accidental. I thought at first that it might be a misprint; but on reading the next paragraph, I saw the reason for the mistake, because there may be reasons for mistakes as well as for the truth. Here it is:

"It will be seen that even this decree recognizes the Bases of Tacubaya, because it treats of the responsibility of the Executive, which is established by the Bases of Tacubaya. The constitution had already been reëstablished by Salas. Then this decree of Santa Anna was not a subversion of the constitution, but only a palpable perversion of it, for the purpose of increasing his own Executive power. Did that stand? Was that left the law of Mexico? No. On the first day of April, 1845, the first constitutional Congress of Mexico was in session; and this decree of Santa Anna, absolving the Executive from responsibility to Congress, came under review, and they on that day adopted an act revising and abrogating this decree of Santa Anna, and declared that the responsibility was a direct one, that no act of the Executive was valid unless it was submitted to Congress, and that no act was valid that was submitted to them and rejected, or not approved by them. So, then, the constitution was in force on the 1st of April, 1845, and the Executive power was limited to the making of contracts, subject to approval by Congress. Now, without claiming that this act of Congress, which I have just read, vitiated Santa Anna's grant to Garay, or even brought it before Congress, I think I may assume that I have shown that it did operate to limit the power of Salas, who made the decree extending the time. If the decree of Salas extending this contract was subject to the revision of Congress, it is certain that all the constitutional conditions hanging about the Executive power entered into that contract, and followed it in the hands of its assignees."

The object of the mistake, or rather misstatement, was to bring Salas under the operation of the Congress which had been dispersed twelve months before, and make it appear that his decree, extending the grant, is invalid, because it was not submitted to the Congress which went out of ex-

istence before the decree was made. I admit, as I before stated, that the Senator has omitted it in the second edition of his speech. But, sir, that does not excuse him for the careless inattention with which he stands charged in reference to this matter. I am free to state, however, that I am disposed to lay the blame at the door of his "exotic" allies, rather than at his own, but I would advise him to be a little more cautious for the future, in giving credence to what proceeds from that source.

The next point made by the Senator from New York, is taken literally and bodily from the Mexican pamphlet to which I have alluded; and it is in reference to the statement made by the commissioner who negotiated the treaty of peace with Mr. Trist, that Mexico had not the power to grant to us this right of way, for the reason that some years prior she had made a grant which had come into the possession of English subjects, of whose rights she could not dispose. How does the Senator from New York attempt to get rid of that difficulty? How does he attempt to avoid that estoppel? He attempts to avoid it as Señor Ramirez attempts to avoid it, by saying that that admission referred not to the grant of the right of way, but to the grant of colonization, of which Mexico had notice. What is the language of the commissioner? Mark. Mr. Trist was authorized by Mr. Polk to offer $15,000,000 for the right of way—not for any colonization rights, but for the grant of the right of way, and the right of way alone. Mr. Trist had furnished a draft of an article to that effect. What did the Mexican commissioner say?

"In the eighth article of your Excellency's draft, the grant of a free passage across the Isthmus of Tehuantepec to the South Sea is sought in favor of the North American citizens. We have orally explained to you, that some years since *the Government of the Republic granted to a private contractor a privilege with reference to this object, which was transferred, with the sanction of the Government, to English subjects, of whose rights Mexico cannot dispose.*"

To what object? Why most assuredly to the grant of the right of way across the Isthmus. Nothing but the grant of the right of way had been mentioned between them. Nothing else had become a subject of negotiation and conversation. It is in this way that the Senator from New York has attempted to avoid the force of an argument, the force of which he would not directly meet. Besides, the Senator says a nation cannot be estopped, that the law of estoppel does not apply to nations. What is the law of estoppel in a moral point of view? It is nothing more than the principle that no individual can be heard to falsify his own act; that when his acts or his admission has been interposed for his own benefit in opposition to another, this act and this admission must stand, should they in the future be drawn in question to affect the right of others. The muniments of title and the faith of treaties rest upon it. It is a principle universal in its application, whether to individuals, corporations, or nations. It is this principle which invests this question with all its national character. Here was an object dear to the American heart, and an object of the utmost importance to the integrity and preservation of the country. A proposition was made to Mexico to obtain the right, when we had power to demand it. Mexico was in the dust; the conqueror's foot was upon her neck. We had a right to demand it; but in that spirit of liberality which has always characterized the American people, we did not demand it as a gratuity, but we offered her the enormous sum of $15,000,000. How was this offer met? How was this generosity appreciated? Why, sir, by the interposition of this very grant as an obstacle in our way. And now, sir, we have a right to hold her to her first position, and take now that which we were prevented by that position from taking then.

Even if the original contract, and its subsequent extension, had been affected with nullity, this admission by Mexico has estopped her from asserting it, and we, as having come in possession of what was once an obstacle to our just demand, have the right, on every principle of equity, to be placed in the situation we would have been in but for this act of Mexico, which she cannot now be permitted to repudiate.

I will now call the attention of the Senate to another of the mistakes or misstatements of the Senator from New York, with which that Senator's speech abounds. In speaking with reference to this proof, which I have brought—the letter of the President of Mexico to the Governors of Oaxaca and Vera Cruz, ordering the lands to be put into the possession of Mr. Garay—how does he attempt to avoid the effect of it? I hesitate not to say, that it is done by a total misrepresentation of that letter. I will read the language of that Senator:

"But what was the effect of these orders of Herrera, the President of Mexico, to the Governors of Oaxaca and Vera Cruz? They were orders to prevent depredations and trespasses on those lands by anybody except those who claimed to have obtained them under the grant ceding the lands to Garay; but it appears that the Government of Mexico at that time understood that those claimants did not claim the right to open the Isthmus, and only asked protection for the enjoyment of their lands. That protection and enjoyment of their lands has never been denied by Mexico. But even if this were not conclusive, there is another point. If the President of Mexico could not make such a grant, he had no power to make an admission, the effect of which would be to establish the grant. If the President of the United States should admit that half the State of Maine, or any part of it belonged to Great Britain, that admission would not affect the boundary line of Maine in the least."

Now, sir, compare this with the contents of the letter as I have already read it, and is not the perversion apparent? Sir, comment is unnecessary. Is this that "adjustment of the lens of history" of which the Senator so vauntingly spoke? If so, I fear his obliquity of mental vision is hopeless of cure, and his progress in the study of optics must be speedily terminated.

There was another point made, both by the Senator from New York and the Senator from New Hampshire, [Mr. HALE,] and that was, that according to the decree of Salas, affirming or recognizing the transfer from Garay to Manning & Mackintosh, the holders of the grant or the assignees, necessarily denationalized themselves, and that the parties who should attempt to carry on this work must be deprived of the character of American citizens, and submit body and soul to the Government of Mexico. Now, sir, to prove that, he reads a part of what is sometimes called the approving decree of Salas, but what is nothing more than an indorsement on the part of the Government of the contract. I will read it:

"According to the spirit of the aforesaid law, this renunciation must take place in the most positive and conclusive manner on the part of the settlers, so that, whatever circumstances may happen, and whatever measures these may require, neither the settlers aforesaid nor the proprietors may not, in any case, nor for any cause, plead alien privileges, nor any other privileges except those which have been granted, or may be granted, to them by the laws of the country to which both their persons and their property must be subjected; and without this requisite they will not be admitted."

It must be borne in mind that the original contract to Garay consists of two parts, and is in fact two grants. One is a grant of the right of colonization; the other is a grant of the right to make the road. They are separate and distinct, and throughout the whole of the transaction have been so regarded by Garay, by the Mexican Government, by Manning & Mackintosh, and by Hargous. Now, sir, I admit, and always have admitted, that in reference to this grant of colonization, notice of transfer, notice of assignment to the Government of Mexico was necessary—and why? Because Mexico might not choose to take everybody into the bosom of the country. She might not choose to let the lands, thirty leagues, I believe, on each side of the road, be granted out to colonists about which she knew nothing. Hence, as I have remarked, I have always admitted, in reference to the colonization right, that Mexico had the right to approve of the transfer, and accordingly she did approve of it. But in reference to the grant of the right of way, the right to make the railroad, there is nothing in the contract that requires the approval of Mexico to the transfer; nor is there any necessity for it, because the same danger does not exist in reference to merely making the road, as exists in reference to the colonization right. And, sir, the grant from the very first contemplated an assignment of the right to make the road, because Mexico knew very well that there was not individual capital enough in her country to complete the undertaking. Hence the assignment to foreigners was contemplated from the very first by the terms of the grant. According to the extract which I have before me, Don José Garay, as well as any private individual or company to whom he assigned it, whether natives or foreigners, could make the road.

Mr. BELL. Will the Senator allow me to interrupt him one moment? I think I understood the Senator from New Hampshire [Mr. HALE] to take the very distinction which the Senator now takes; but he contended that Garay had never transferred to Manning & Mackintosh any other privilege than that of colonization; that he had not transferred to Manning & Mackintosh, and therefore that Hargous and the other American citizens had no title whatever by assignment, to make the work.

Mr. BROOKE. There is no doubt that there was an assignment of the right of way, and the right of colonization also.

Mr. BELL. To Manning & Mackintosh?

Mr. BROOKE. Yes, sir. There is no doubt about that. The assignment of the right of way was subsequent to the date of the assignment of the right of colonization, as I will show presently. When Salas granted the extension, he wished to guard a little more strenuously the colonization privilege, and accordingly the 13th article of his decree is in the following words:

"ART. 13. It shall be an express condition in all contracts with colonists, that they shall renounce the privileges of their original domicil so long as they reside in the country, subjecting themselves to all the existing colonial regulations which are not in conflict with the present law."

This approving decree, or indorsement, as I have called it, refers to this 13th article, and has no reference whatever to the transfer of the right of way, or the right to make the road; none whatever, because it uses the terms according to the spirit of the "aforesaid law." "This renunciation." What renunciation? Why, sir, the renunciation contemplated in the 13th article. It refers entirely to the colonization right.

But, to satisfy the honorable Senator from Tennessee, I will read a short extract from the assignment of the colonization right, by Garay to Manning & Mackintosh, notice of which was given to the Mexican Government.

Mr. BELL. The right of way is the question.

Mr. BROOKE. Yes, sir. Then I will show the right of way. The extract is:

"ART. 9. As soon as the time shall arrive for treating of the way of communication between the two seas, Don José Garay and Messrs. Manning & Mackintosh, and John Schneider, will enter into stipulations for the formation of a company for the execution of said work of transit on the isthmus."

An assignment of the right of way was not given then, but it was in contemplation, and the Mexican Government had notice of it. That was in 1847. On the 28th September, 1848, Garay transferred to Manning & Mackintosh the whole right—the right of way and all; and in October, 1848, Manning & Mackintosh made a transfer to Hargous. The Senator from Tennessee can find all the letters in the papers accompanying the message of the President of the United States on the subject.

Again, sir: the Senator from New York, as well as the Senator from New Hampshire, after admitting that there were two distinct rights, one for colonization, and another for a right of way, as I have just shown, confound them together again when they speak of the approving decree of Salas. In other words, they admit a distinction for certain purposes, and deny it for others. But that decree or that indorsement is very plain when we keep up the distinction throughout. It cannot be misunderstood. The Senator from New York contends that this route is not assignable at all; and he compares it to a contract made by the President of the United States with an architect, and says that an architect cannot assign his work or his contract. This is true, unless there is something in the law that authorized the appointments allowing it to be done. And that happens to be exactly the case in regard to this question. In the original grant from Santa Anna to Garay, the assignability of the grant is expressly recognized; and, as I before remarked, the contract would have been useless without it, because Mexico knew, as I have before stated, that no individual or company in that country would ever execute the work; no men or company could be found there with capital sufficient to carry on so gigantic an enterprise. She expected that other capitalists would embark in the undertaking; and, accordingly, the grant was so drafted as to provide for an assignment in the clearest manner.

I have thus hurriedly, and in somewhat of a confused manner, gone over the facts in this case. For myself, I will say that I have no doubt whatever of our right, not only to pass the resolution which has been introduced by the Committee on Foreign Affairs; but if I were allowed to follow my own judgment, I would go further; I would take possession of the thing in dispute, as we may under the law of nations, with justice, and without cause of war. But yielding to suggestions of others, I have withdrawn a proposition which I had the honor to offer at the last session, authorizing the President to put these men in the possession of their rights, trusting that a returning sense of justice, together with the persuasive effect of the action of this body, may yet induce that unhappy country to pursue a course that will redound to her own interests and honor as well as to the benefit of mankind.

COLONIZATION IN NORTH AMERICA.

DEBATE IN THE SENATE.

MONDAY, *February* 14, 1853.

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution declaratory of the views of the United States respecting colonization on the North American continent by European Powers, and respecting the Island of Cuba; the pending question being on the motion of Mr. DIXON to refer the resolution and the amendment of Mr. HALE to the Committee on Foreign Relations, with certain instructions.

Mr. DOUGLAS said: Mr. President, I regret the necessity which I conceive to exist for trespassing on the attention of the Senate to-day, especially the postponement of the deficiency bill, to discuss the principles, the objects, and the effects of the resolution of the Senator from Michigan in regard to European colonization.

Thirty years ago Mr. Monroe, in his message to Congress, made a memorable declaration with respect to European colonization upon this continent. That declaration has ever since been a favorite subject of eulogium with orators, politicians, and statesmen. Recently it has assumed the dignified appellation of the "*Monroe doctrine.*" It seems to be the part of patriotism for all to profess the doctrine, while our Government has scarcely ever failed to repudiate it, practically, whenever an opportunity for its observance has been presented. The Oregon treaty is a noted case in point. Prior to that convention there was no British colony on this continent west of the Rocky Mountains. The Hudson's Bay Company was confined, by its charter, to the shores of the bay, and to the streams flowing into it, and to the country drained by them. The western boundary of Canada was hundreds of miles distant; and there was no European colony to be found in all that region on the Pacific coast stretching from California to the Russian possessions. We had a treaty of non-occupancy with Great Britain, by the provisions of which neither party was to be permitted to colonize or assume dominion over any portion of that territory. We abrogated that treaty of non-occupancy, and then entered into a convention, by the terms of which the country in question was divided into two nearly equal parts, by the parallel of the forty-ninth degree of latitude, and all on the north confirmed to Great Britain, and that on the south to the United States. By that treaty Great Britain consented that we might establish Territories and States south of the forty-ninth parallel, and the United States consented that Great Britain might, to the north of that parallel, establish new European colonies, in open and flagrant violation of the Monroe doctrine! It is unnecessary for me to remind the country, and especially my own constituents, with what energy and emphasis I protested against that convention, upon the ground that it carried with it the undisguised repudiation of the Monroe declaration, and the consent of this Republic that new British colonies might be established on that portion of the North American continent where none existed before.

Again: as late as 1850, a convention was entered into between the Government of the United States and Great Britain—called the Clayton and Bulwer treaty—every article and provision of which is predicated upon a practical negation and repudiation of what is known as the Monroe doctrine, as I shall conclusively establish before I close these remarks. Since the ratification of that treaty and in defiance of its express stipulations, as well as of the Monroe declaration, Great Britain has planted a new colony in Central America, known as the colony of the Bay Islands. In view of this fact, and with the colony of the Bay Islands in his mind's eye, the venerable Senator from Michigan lays upon the table of the Senate, and asks us to affirm, by our votes, a resolution in which it is declared that "WHILE EXISTING RIGHTS SHOULD BE RESPECTED, AND WILL BE BY THE UNITED STATES," the American continents "ARE HENCEFORTH *not* '*to be considered as subjects for* FUTURE *colonization* '*by any European Power*," and "*that no* FUTURE '*European colony or dominion shall, with their con-* '*sent, be planted or established on any part of the North* '*American continent.*"

Now, sir, before I vote for this resolution, I desire to understand, with clearness and precision, its purport and meaning. Existing rights are to be respected! What is to be the construction of this clause? Is it that all colonies established in America, by European Powers, prior to the passage of this resolution, are to be respected by the United States as "existing rights?" Is this resolution to be understood as a formal and official declaration, by the Congress of the United States, of our acquiescence in the seizure of the islands in the Bay of Honduras, and the erection of them into a new British colony? When, in connection with this clause respecting "existing rights," we take into consideration the one preceding it, in which it is declared that "HENCEFORTH" the American continents are not open to European colonization; and the clause immediately succeeding it, which says that "*no future European colony or dominion*" shall, with our consent, be planted on the North American continent; who can doubt that Great Britain will feel herself authorized to construe the resolution into a declaration on our part of unconditional acquiescence in her right to hold all the colonies and dependencies she at this time may possess in America? Is the Senate of the United States prepared to make such a declaration? Is this Republic, in view of our professions for the last thirty years, and of our present and prospective position, prepared to submit to such a result? If we are, let us seal our lips, and talk no more about European colonization upon the American continents. What is to redeem our declarations upon this subject in the future from utter contempt, if we fail to vindicate the past, and meekly submit to the humiliation of the present? With an avowed policy of thirty years' standing that no future European colonization is to be permitted in America—affirmed when there was no opportunity for enforcing it, and abandoned whenever a case was presented for carrying it into practical effect—is it now proposed to beat another retreat under cover of terrible threats of awful consequences when the offense shall be repeated? "*Henceforth*" no "future" European colony is to be planted in America "*with our consent!*" It is gratifying to learn that the United States are never going to "consent" to the repudiation of the Monroe doctrine again. No more Clayton and Bulwer treaties; no more British "alliances" in Central America, New Granada, or Mexico; no more resolutions of oblivion to protect "existing rights!" Let England tremble, and Europe take warning, if the offense is repeated. "Should the attempt be made," (says the resolution,) "it will leave the United States *free to adopt* such measures as an independent nation may justly adopt in defense of its rights and honor." Are not the United States now *free* to adopt such measures as an independent nation may *justly adopt* in defense of its *rights and honor?* Have we not given the notice? Is not thirty years sufficient notice—and has it not been repeated within the last eight years? And yet the deed is done, in contempt of not only the Monroe doctrine, but of solemn treaty stipulations. Will you ever have a better opportunity to establish the doctrine—a clearer right to vindicate, or a more flagrant wrong to redress? If you do not do it now, your "henceforth" resolutions, in respect to "future" attempts, may as well be dispensed with. I have no resolutions to bring forward in relation to our foreign policy. Circumstances have deprived me of the opportunity or disposition to participate actively in the proceedings of the Senate this session. I know not what the present Administration has done, or is doing in reference to this question; and I am willing to leave the incoming Administration free to assume its own position, and to take the initiation, unembarrassed by the action of the Senate.

My principal object in addressing the Senate to-day is to avail myself of the opportunity, now for the first time presented by the removal of the injunction of secrecy, of explaining my reasons for opposing the ratification of the Clayton and Bulwer treaty. In order clearly to understand the question in all its bearings, it is necessary to advert to the circumstances under which it was presented. The Oregon boundary had been established, and important interests had grown up in that Territory; California had been acquired, and an immense commerce had sprung into existence; lines of steamers had been established from New York and New Orleans to Chagres, and from Panama to California and Oregon; American citizens had acquired the right of way, and were engaged in the construction of a railroad across the Isthmus of Panama, under the protection of treaty stipulations with New Granada; other American citizens had secured the right of way, and were preparing to construct a canal from the Atlantic to the Pacific, through Lake Nicaragua; and still other American citizens had procured the right of way, and were preparing to commence the construction of a railroad, under a grant from Mexico, across the Isthmus of Tehuantepec. Thus, the right of transit, on all the routes across the the Isthmus, had passed into American hands, and were within the protection and control of the American Government.

In view of this state of things, Mr. Hise, who had been appointed Chargé d'Affaires, under the administration of Mr. Polk, to the Central American States, negotiated a treaty with the State of Nicaragua which secured to the United States forever the exclusive privilege of opening and using all canals, railroads, and other means of communication, from the Atlantic to the Pacific, through the territory of that Republic. The rights, privileges, and immunities conceded by that treaty were all that any American could have desired. Its provisions are presumed to be within the knowledge of every Senator, and ought to be familiar to the people of this country. The grant was to the United States, or to such companies as should be organized under its authority, or received under its protection. The privileges were exclusive in their terms and perpetual in their tenure. They were to continue forever as inalienable American rights. In addition to the privilege of constructing and using all roads and canals through the territory of Nicaragua, Mr. Hise's treaty also secured to the United States the right to erect and garrison such fortifications as we should deem necessary at the termini of such communication on each ocean, and at intermediate points along the lines of the works, together with a grant of lands three miles square at the termini for the establishment of towns with free ports and free institutions. I do not deem it necessary to detain the Senate by reading the provisions of this treaty. It is published in the document I hold in my hand; and is open to every one who chooses to examine it. It was submitted to the Department of State in Washington on the 15th of September, 1849, but never sent to the Senate for ratification. In the mean time the administration of General Taylor had superseded Mr. Hise by the appointment of another representative to the Central American States, and instructed him in procuring a grant for a canal, to "CLAIM NO PECULIAR PRIVILEGE—NO EXCLUSIVE RIGHT—NO MONOPOLY OF COMMERCIAL INTERCOURSE."

After having thus instructed Mr. Squier as to the basis of the treaty which he was to conclude, Mr. Clayton seems to have been apprehensive that Mr. Hise might already have entered into a convention by which the United States had secured the exclusive and perpetual privilege, and in order to guard against such a contingency, he adds, at the conclusion of the same letter of instructions, the following:

"If a charter or grant of the right of way shall have been *incautiously or inconsiderately* made before your arrival in that country, SEEK *to have it properly* MODIFIED TO ANSWER THE ENDS WE HAVE IN VIEW."

In other words, if Mr. Hise shall have made a treaty by which he may have secured all the desired privileges to the United States exclusively, "seek to have it properly modified," so as to form a partnership with England and the other monarchical Powers of Europe, and thus lay the foundation for an alliance between the New and the Old World, by which the right of European Powers to intermeddle with the affairs of American States will be established and recognized. With these instructions in his pocket, Mr. Squier arrived in Nicaragua, and before he reached the seat of government, learned, by a "publication in the Gazette of the Isthmus," that Mr. Hise was already negotiating a treaty in respect to the contemplated canal. Without knowing the provisions of the treaty, but taking it for granted that it was in violation of the principles of General Taylor's administration, as set forth in his instructions, Mr. Squier immediately dispatched a notice to the government of Nicaragua that "Mr. 'Hise was superseded on the 2d April last, upon 'which date I (Mr. Squier) received my commis-'sion as his successor;" "that Mr. Hise was not 'empowered to enter upon any negotiations of the 'character referred to;" and concluding with the following request:

"*I have, therefore, to request that* NO ACTION *will be taken by the Government of Nicaragua upon the inchoate treaty which may have been negotiated at Guatemala, but that the* SAME MAY BE ALLOWED TO PASS AS AN UNOFFICIAL ACT."

On the some day, Mr. Squier, with commendable promptness, sends a letter to Mr. Clayton, informing our Government of what he had learned in respect to the probable conclusion of the Hise treaty, and expressing his apprehension that the information may be true, and adds:

"If so, I shall be placed in a situation of some embarrassment, as I conceive that Mr. Hise has no authority for the step he has taken, and *is certainly not informed of the* PRESENT VIEWS AND DESIRES OF OUR GOVERNMENT."

He also adds:

"Under these circumstances, I have addressed a note (B) to the Government of this Republic, [Nicaragua,] requesting that the treaty made at Guatemala (if any such exists) *may be allowed to pass as an unofficial act, and that new negotiations may be entered upon at the seat of Government.*"

Having communicated this important intelligence to his own Government, Mr. Squier proceeded on his journey with a patriotic zeal equal to the importance of his mission, and on his arrival upon the theater of his labors, opened negotiations for a new treaty in accordance with the "present views and desires of our Government," as contained in his instructions. The new treaty was concluded on the 3d of September, 1849, and transmitted to this Government, with a letter explanatory of the negotiation, bearing date the 10th of the same month. Mr. Squier's treaty, so far as I can judge from the published correspondence—for the injunction of secrecy forbids a reference to more authentic sources of information—is in strict accordance with his instructions, and entirely free from any odious provisions which might secure "peculiar privileges or exclusive rights" to the United States!

These two treaties—the one negotiated by Mr. Hise, and the other by Mr. Squier—were in the State Department in this city when Congress met in December, 1849. The administration of General Taylor was at liberty to choose between them, and submit the one or the other to the Senate for ratification. The Hise treaty was suppressed, without giving the Senate an opportunity of ratifying it or advising its rejection. I am aware that a single letter published in this document of correspondence, (Ho. of Rep., Ex. Doc. No. 75,) gives an apparent excuse—a mere pretext—for withholding it from the Senate. I allude to the letter of Mr. Carcache, Chargé d'Affaires from Nicaragua, to Mr. Clayton, dated Washington, December 31, 1849, that the Hise treaty "has been, as publicly 'and universally known, disapproved by my Gov-'ernment, and that my Government desires the rat-'ification of the treaty signed by Mr. Squier on the '3d of September last." And I am also aware that Mr. Clayton, in reply to this letter, stated to Mr. Carcache that "if, however, as you state, that con-'vention has not been approved by your Govern-'ment, there is no necessity for its further consider-'ation by the Government of the United States." From this it would seem that Mr. Clayton desires to have it understood that the failure of the Government of Nicaragua to approve the Hise treaty, was the reason why he suppressed it, and refused to allow the Senate the opportunity of ratifying it. Is that the true reason? Why did the Government of Nicaragua fail to approve the Hise treaty? I have already shown conclusively, that the failure to approve on the part of the Government of Nicaragua, was produced by the representative of General Taylor's administration in Central America, acting in obedience to the imperative instructions of the State Department in this city, over the signature of Mr. Clayton himself. Mr. Clayton had instructed Mr. Squier in advance, that in the event Mr. Hise should have made a treaty before his arrival in the country, he (Mr. Squier) must "*seek to have it properly modified to* ANSWER THE ENDS WE HAVE IN VIEW." Mr. Squier did "seek" to have it so "modified," and with great difficulty, as the correspondence proves, succeeded in the effort. The Government and people of Nicaragua were anxious to grant the exclusive and perpetual privilege to the United States, and to prevent the consummation of the grand European alliance and partnership. Mr. Squier, in his letter of September 10, 1849, communicating to Mr. Clayton the joyous news that his efforts had been crowned with complete success, says:

"SIR: *I have the satisfaction of informing the Department that I have succeeded in accomplishing* THE OBJECTS OF MY MISSION TO THIS REPUBLIC."

Then, after giving an exposition of the main provisions of his treaty, he details the embarrassments he was compelled to encounter before he could bring the Government of Nicaragua to terms. Hear him, and then judge whether the failure of the Government of Nicaragua to approve the Hise treaty was the reason why Mr. Clayton refused to submit it to the Senate for ratification!

"THE PRINCIPAL SOURCE OF EMBARRASSMENT WAS MR. HISE'S SPECIAL CONVENTION, which had raised extravagant hopes of a relation between the United States, amounting to something closer than exists between the States of our Confederacy. However, as matters have been finally arranged, they are all the better for this Republic, and quite as favorable to the United States."

So it seems that the Hise treaty was "the principal source of embarrassment" to the consummation of the European partnership. It "had raised extravagant hopes" on the part of the Government and people of Nicaragua of a "closer" relation to the United States, which it was difficult to induce them to relinquish. It required all the zeal, skill, and tact of Mr. Squier, to accomplish so great a feat. "Finally" the matter was "arranged," and the result communicated to the Department with "satisfaction," in these memorable words, which must have carried great joy to Mr. Clayton's heart: "I have succeeded in accomplishing the objects of my mission to this Republic." Rejoice, all ye advocates of European intervention in the affairs of the American continent! The Hise treaty is dead! The principal source of embarrassment is removed! Nicaragua has failed to approve the special convention, granting peculiar privileges and exclusive rights to the United States! This failure has enabled us "properly to modify the grant, so as to answer the ends we have in view," and at the same time relieves Mr. Clayton from the imminent risk of submitting these peculiar privileges to the Senate, where there was great danger of their being accepted! Nicaragua has at last consented! Her appeals to the United States for mediation or protection against British aggression being unheeded—her letters to our Government remaining unanswered, their receipt not even acknowledged—her hopes of a closer relation to this Union blasted—the Monroe doctrine abandoned—the Mosquito kingdom, under the British protectorate, rapidly absorbing her territory, she sinks in despair, and yields herself to the European partnership which was about to be established over all Central America by the Clayton and Bulwer treaty!

Now, sir, I repeat that these two treaties—the one negotiated by Mr. Hise and the other by Mr. Squier—the first conceding peculiar privileges and exclusive and perpetual rights to the United States, the second admitting of a partnership in these privileges with European Powers, Mr. Clayton suppressed the first and sent the second to the Senate for ratification, and immediately opened negotiations with the British Minister, which resulted in what is known as the Clayton and Bulwer treaty. In stating my objections to this treaty, I shall not become a party to the protracted controversy respecting its true meaning and construction which has engaged so much of the attention of this session. I leave that in the hands of those who conducted the negotiation and procured its ratification. That is their own quarrel, with which I have no disposition to interfere. Establish which construction you please—that contended for by the Secretary of State who signed it, or the one insisted upon by the venerable Senator from Michigan and those who acted in concert with him in ratifying it—neither obviates any one of my objections.

In the first place, I was unwilling to enter into treaty stipulations with Great Britain or any other European Power in respect to the American continent, by the terms of which, we should pledge the faith of this Republic not to do in all coming time that which in the progress of events our interests, duty, and even safety may compel us to do. I have already said, and now repeat, that every article, clause, and provision of that treaty is predicated upon a virtual negation and repudiation of the Monroe declaration in relation to European colonization on this continent. The article inviting any Power on earth, with which England or the United States are on terms of friendly intercourse, to enter into similar stipulations, and which pledges the good offices of each, when requested by the other, to aid in the new negotiations with the other Central American States, and which pledges the good offices of all the nations entering into the "alliance" to settle disputes between the States and Governments of Central America, not only recognizes the right of European Powers to interfere with the affairs of the American continent, but invites the exercise of such right, and makes it obligatory to do so in certain cases. It establishes, in terms, an alliance between the contracting parties, and invites all other nations to become parties to it. I was opposed also to the clause which stipulates that neither Great Britain nor the United States will ever occupy, colonize, or exercise dominion over any portion of Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America. I did not desire then, nor do I now, to annex any portion of that country to this Union. I do not know that the time will ever come in my day when I would be willing to do so. Yet I was unwilling to give the pledge that neither we nor our successors ever would. This is an age of rapid movements and great changes. How long is it since those who made this treaty would have told us that the time would never come when we would want California or any portion of the Pacific coast? California being a State of the Union, who is authorized to say that the time will not arrive when our interests and safety may require us to possess some portion of Central America, which lies half way between our Atlantic and Pacific possessions and embraces the great water lines of commerce between the two oceans? I I think it the wiser and safer policy to hold the control of our own action, and leave those who are to come after us untrammeled and free to do whatever they may deem their duty, when the time shall arrive. They will have a better right to determine for themselves, when the necessity for action may arise, than we have now to prescribe the line of duty for them. I was equally opposed to that other clause in the same article, which stipulates that neither party will ever fortify any portion of Central America, or any place commanding the entrance to the canal, or in the vicinity thereof. It is not reciprocal, for the reason that it leaves the Island of Jamaica, a British colony, strongly fortified, the nearest military and naval station to the line of the canal. It is, therefore, equivalent to a stipulation that the United States shall never have or maintain any fortification in the vicinity of, or commanding the line of navigation and commerce through said canal, while England may keep and maintain those she now has.

I was not satisfied with the clause in relation to the British protectorate over the Mosquito coast. It is equivocal in terms, and no man can say with certainty whether the true construction excludes the protectorate from the continent or recognizes its rightful existence and imposes restraints upon

its use and exercise. Equivocal terms in treaties are easily understood where the stipulations are between a strong Power on the one hand, and a feeble one upon the other. The stronger enforces its own construction, and the weaker has no alternative but reluctant acquiescence. In this case neither party may be willing to recognize the potential right of the other to prescribe and enforce a construction of the equivocal terms which shall enable it to appropriate to itself all the advantages in question. It would seem that our own Government have not ventured to insist upon a rigid enforcement of the provisions of the treaty in relation to the British protectorate over the Mosquito coast, in the sense in which it was explained and understood when submitted to the Senate for ratification. Has the British protectorate disappeared from Central America? I am not referring to the matters in controversy between certain Senators who supported the treaty and Mr. Clayton, in respect to the Balize settlement. I allude to the Mosquito coast, which, by name and in terms, is expressly made subject to the provisions of the treaty. Has the British protectorate disappeared from that part of Central America? Have the British authorities retired from the port of San Juan, and thereby recognized the right of American citizens and vessels to arrive and depart free of hindrance and molestation? Is it not well known that the protectorate is continued and maintained with increased vigor and boldness? Is not the British consul at San Juan now actively engaged in disposing of the soil, conveying town lots and lands, and exercising the highest functions of sovereignty under, the pretext of protecting the rights of the Mosquito King? These things are being done openly and without disguise, and are well known to the world. Can any Senator inform me whether this Government has taken the slightest notice of these transactions? Has our Government entered its protest against these infractions of the treaty, or demanded a specific compliance with our understanding of its terms? How long are we to wait for Great Britain to abandon her occupancy and withdraw her machinery of Government? Nearly three years have elapsed since we were boastingly told that by the provisions of the Clayton and Bulwer treaty, Great Britain was expelled from Central America. Shall we wait patiently until our silence shall be construed into acquiescence in her right to remain and maintain her possession?

But there was another insuperable objection to the Clayton and Bulwer treaty, which increases, enlarges, and extends the force of all the obnoxious provisions I have pointed out. I allude to the article in which it is provided that—

"The Governments of the United States and Great Britain, *having not only desired to accomplish a particular object*, BUT ALSO TO ESTABLISH A GENERAL PRINCIPLE, THEY HEREBY AGREE TO EXTEND THEIR PROTECTION, BY TREATY STIPULATIONS, TO ANY OTHER PRACTICABLE COMMUNICATIONS, *whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of* TEHUANTEPEC OR PANAMA."

The "particular object" which the parties had in view, being thus accomplished—the Hise treaty defeated, the exclusive privilege to the United States surrendered and abandoned, and the European partnership established—yet they were not satisfied. They were not content to "accomplish a particular object," but desired to "ESTABLISH A GENERAL PRINCIPLE!" That which, by the terms of the treaty, was particular and local to the five States of Central America, is, in this article, extended to Mexico on the north, and to New Granada on the south, and declared to be a general principle, by which any and all other practicable routes of communication across the Isthmus between North and South America, are to be governed and protected by the allied Powers. New and additional treaty stipulations are to be entered into for this purpose, and the network which had been prepared and spread over all Central America, is to be extended far enough into Mexico and New Granada to cover all the lines of communication, whether by railway or canal, and especially to include Tehuantepec and Panama. When it is remembered that the treaty in terms establishes an alliance between the United States and Great Britain, and engages to invite all other Powers, with which either is on terms of friendly intercourse, to become parties to its provisions, it will be seen that this article seeks to make the principles of the Clayton and Bulwer treaty the law of nations in respect to American affairs. The general principle is established; the right of European Powers to intervene in the affairs of American States is recognized; the propriety of the exercise of that right is acknowledged; and the extent to which the allied Powers shall carry their protection, and the limits within which they shall confine their operations, are subject to treaty stipulations in the future.

When the American continent shall have passed under the protectorate of the allied Powers, and her future made dependent upon treaty stipulations for carrying into effect the objects of the alliance, Europe will no longer have cause for serious apprehensions at the rapid growth, expansion, and development of our Federal Union. She will then console herself, that limits have been set and barriers erected beyond which the territories of this Republic can never extend, nor its principles prevail. In confirmation of this view, she will find additional cause for congratulation when she looks into the treaty of peace with Mexico, and there sees the sacred honor of this Republic irrevocably pledged that we will never, in all coming time, annex any more Mexican territory in the mode in which Texas was acquired. The fifth article contains the following extraordinary provision:

"The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations lawfully given by the General Government of each, in conformity with its own Constitution."

One would naturally suppose, that for all the ordinary purposes of a treaty of peace, the first clause of the paragraph would have been entirely sufficient. It declares that "the boundary line established by this article shall be religiously respected by each of the two Republics." Why depart from the usual course of proceeding in such cases, and add, that "*no change shall ever be made therein, except by the express and free consent of both nations,* LAWFULLY *given by the* GENERAL *Government of each, in conformity with its own* CONSTITUTION?" What is the meaning of this peculiar phraseology? The history of Texas furnishes the key by which the hidden meaning can be unlocked. The Sabine was once the boundary between the Republics of the United States and Mexico. By the revolt of Texas, and the establishment of her independence, and the acknowledgment thereof by the great Powers of the world, and her annexation to the United States, the boundary between the two Republics was "changed" from the Sabine to the Rio Grande, *without* "the express and free consent of both nations, *lawfully* given by the *General Government* of each, in conformity with its own Constitution." Mexico regarded that change a just cause of war, and accordingly invaded Texas with a view to the recovery of the lost territory. A protracted war ensued, in which thousands of lives were lost, and millions of money expended, when peace is concluded upon the express conditions that the treaty should contain an open and frank avowal that the United States has been wrong in the causes of the war, by the pledge of her honor never to repeat the act which led to hostilities.

Wherever you turn your eye, whether to your own record, to the statute-books, to the history of this country or of Mexico, or to the diplomatic history of the world, this humiliating and degrading acknowledgment stares you in the face, as a monument of your own creation, to the dishonor of our common country. Well do I remember the determined and protracted efforts of the minority to expunge this odious clause from the treaty before its ratification, and how, on the 4th of March, 1848, we were voted down by forty-two to eleven. The stain which that clause fastened upon the history of our country was not the only objection which I urged to its retention in the treaty. It violated a great principle of public policy in relation to this continent. It pledges the faith of this Republic, that our successors shall not do that which duty to the interests and honor of the country, in the progress of events, may compel them to do. I do not meditate, or look with favor upon any aggression upon Mexico. I do not desire, at this time, to annex any portion of her territory to this Union; nor am I prepared to say that the time will ever come, in my day, when I would be willing to sanction such a proposition. But who can say, that, amid the general wreck and demoralization in Mexico, a state of things may not arise in which a just regard for our own rights and safety, and for the sake of humanity and civilization, may render it imperative for us to do that which was done in the case of Texas, and thereby change the boundary between the two Republics without the free consent of the General Government of Mexico, lawfully given in conformity with her Constitution? Recent events in Sonora, Chihuahua, and Tamaulipas do not establish the wisdom and propriety of that line of policy which ties our hands in advance, and deprives the Government of the right, in the future, of doing whatever duty and honor may require, when the necessity for action may arrive.

Mr. President, one of the resolutions under consideration makes a declaration in relation to the Island of Cuba which requires a passing notice. It is in the following words:

"That while the United States disclaim any designs upon the Island of Cuba, inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject, to make known, in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that Island, which as a naval or military position, must, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power."

That we would resist any attempt to transfer the Island of Cuba to any European Power, either with or without the consent of Spain, there is, I trust, no question in the mind of any American, and the fact is as well known to Europe as it is to our own country. That the United States do not meditate any designs upon the island inconsistent with the laws of nations, and with their duties to Spain, has been demonstrated to the world in a manner that forbids the necessity for a disclaimer of unworthy and perfidious purposes on our part. The resolutions convey, beneath this disclaimer, the implication that our character is subject to suspicion upon that point. Shall we let the presumption go abroad that a disclaimer of an act of dishonesty and perfidy and infamy has become necessary upon our part? Sir, is there anything in the history of our relations with foreign nations, or in respect to Cuba, that should subject our country to such injurious imputations? When has our Government failed to perform its whole duty as a neutral Power in respect to Cuba? The only complaint has been, that in its great anxiety to preserve in good faith its neutral relations, it has permitted treaty stipulations with Spain providing for the protection of our citizens to be wantonly and flagrantly violated. No suspicion that this Government has been wanting in energy and fidelity in the enforcement of our laws has been entertained in any quarter. It was the excessive energy and severity with which the duty was performed that has provoked the disapprobation of some portion of the American people.

Sir, what right has Great Britain to call upon the United States, as she did in a late application, to enter into a negotiation to guaranty Cuba to Spain? Such a step might have been necessary on the part of England in order to satisfy Spain that she has abandoned the policy which for centuries has marked her colonial history with plunder and rapine. Why does not England first restore to Spain the Island of Jamaica, by the seizure and possession of which she is enabled to overlook Cuba, while it gives her the command of the entrance of the proposed Nicaragua canal? Why does she not restore to old Spain Gibraltar, which from proximity and geographical position naturally belongs to her, and is essential to her safety? Why does she not restore the colonial possessions which she has stretched all over the world, commanding every important military and naval station, both upon land and water? Why does she not restore them to their original owners, from whom she obtained them by fraud and violence? Why does she not do these things before she calls upon us to enter into stipulations that we will not rob Spain of the Island of Cuba?

The whole system of European colonization rests upon seizure, violence, and fraud. European Powers hold nearly all their colonies by the one or the other of these tenures. They can show no other evidence, no other muniment of title. What is there in the history of the United States that requires us to make any such disclaimer? We have never acquired one inch of territory, except by honest purchase, and full payment of the consideration. We have never seized any Spanish or other European colony. We have never invaded the rights of other nations. We do not hold in our hand the results of rapine, violence, war, and fraud, for centuries, and then prate about honesty, and propose to honest people to enter into guarantees that they will not rob their neighbors.

Fortunately the history of our country subjects her to no such imputation, and relieves us from the necessity of making disclaimers which carry with them the implication of an equivocal reputation. England, France, and the other European Powers are at liberty to judge for themselves whether any such necessity exists in their case. I have not much faith in these gratuitous protestations of honesty and disinterestedness. They are generally made for the purpose of concealing a dark design while preparations are maturing for its execution! I recollect that pending the Clayton and Bulwer treaty before the Senate, a rumor was set afloat that England meditated the extension of her dominion or protection over Costa Rica, or some other portion of Central America. Sir Henry Bulwer deemed the time opportune and the rumor a sufficient excuse for addressing to our Department of State an official letter, disclaiming, in the name and by the authority of the British Government, any such design, and saying:

"I am also desired to add, that it would be contrary to the fixed and settled policy of Great Britain to entangle herself by any engagement to protect distant States over whose policy and conduct it would be impossible for the British Government to exercise any effective control. Such a protectorate would confer no possible advantage on Great Britain, and might become the source of many embarrassments to her."

Mr. Clayton was so much delighted with this frank disclaimer, that he promptly replied:

"I take pleasure in expressing the satisfaction with which this Government has received this friendly assurance from that of her Britannic Majesty, and more especially as it cannot fail to strengthen the bonds of amity now existing between our respective countries."

General Taylor deemed the matter of sufficient importance to communicate the evidence of this "friendly assurance" to the Senate in a special message. Well, the treaty was ratified, and in less than three years Great Britain seizes the Bay Islands and erects them into a colony, in the face of this "friendly assurance," and in direct violation of the provisions of the treaty!

I confess I have not formed a very high appreciation of the value of these disclaimers of all intention of committing crimes against our neighbors. I do not think I should deem my house any more secure in the night in consequence of the thief having pledged his honor not to steal my property! If I am surrounded by honest men there is no necessity for the "friendly assurance," and if by rogues, it would not relieve my apprehensions or afford much security to my rights. I am unwilling, therefore, to make any disclaimer as to our purposes upon Cuba, or to give any pledge in respect to existing rights upon this continent. The nations of Europe have no right to call upon us for a disclaimer of the one, or for a pledge to protect the other. It is true, British newspapers are in the habit of calumniating the people of the United States, as a set of marauders upon the territorial rights of our neighbors. It is also true, that for party purposes, some portion of the press of this country is in the habit of attributing such sentiments to some of our public men; but it is not true, so far as I know, that any one man in either House of Congress does entertain, or has ever entertained or avowed a sentiment that justifies such an imputation. I am unwilling, therefore, to countenance the vile slander, by voting for a resolution which by implication contains so base an insinuation. Perhaps I may as well speak plainly. I feel that there may be a lurking insinuation in these two clauses, having a little bearing towards an individual of about my proportions. It is the vocation of some partisan presses and personal organs, to denounce and stigmatize a certain class of politicians, by attributing to them unworthy and disreputable purposes, under the cognomen of "Young America." It is their amiable custom, I believe, when they come to individualize, to point to me as the one most worthy to bear the appellation. I have never either assumed or disclaimed it. I have never before alluded to it, and should not on the present occasion, had it not been introduced into the discussions of the Senate in such a manner as to leave the impression that I evaded it if I failed to notice it. I am aware that the Senator, who the other day directed so large a portion of his speech against the supposed doctrines of "YOUNG AMERICA," had no reference to myself in that part of his speech, and that the only allusion he made to me was kind and complimentary. So far as I am concerned, and those who harmonize with me in sentiment and action, the votes to which I have referred, and the reasons I have given in support of them, constitute the only profession of faith I deem it necessary to make on this subject. I am willing to compare votes and acts, principles and professions, with any Senator who chooses to assail me. I yield to none in strict observance of the laws of nations and treaty stipulations. I may not have been willing blindly or recklessly to pledge the faith of the Republic for all time, on points where, in the nature of things, it was not reasonable to suppose that the pledge could be preserved. I may have deemed it wise and prudent to hold the control of our own action, and leave our successors free, according to their own sense of duty under the circumstances which may then exist.

Now, sir, a few words with regard to the Island of Cuba. If any man desires my opinions upon that question, he can learn them very easily. They have been proclaimed frequently for the last nine years, and still remain unchanged. I have often said, and now repeat, that so long as the Island of Cuba is content to remain loyal to the Crown of Spain, be it so. I have no desire, no wish to disturb that relation. I have always said, and now repeat, that whenever the people of the Island of Cuba shall show themselves worthy of freedom by asserting and maintaining their independence, and establishing republican institutions, my heart, my sympathies, my prayers are with them for the accomplishment of the object. I have often said, and now repeat, that when that independence shall have been established, if it shall be necessary to their interest or safety to apply as Texas did for annexation, I shall be ready to do by them as we did by Texas, and receive them into the Union. I have said, and now repeat, that whenever Spain shall come to the conclusion that she cannot much longer maintain her dominion over the island, and that it is better for her to transfer it to us upon fair and reasonable terms, I am one of those who would be ready to accept the transfer. I have said, and now repeat, that whenever Spain shall refuse to make such transfer to us, and shall make it to England, or any other European Power, I would be among those who would be in favor of taking possession of the Island, and resisting such transfer at all hazards.

Thus far I have often gone; thus far I now go. These are my individual opinions, not of much consequence, I admit, but any one who desires to know them, is welcome to them. But it is one thing for me to entertain these individual sentiments, and it is another and very different thing to pledge forever and unalterably the policy of this Government in a particular channel, in defiance of any change in the circumstances that may hereafter take place. I do not deem it necessary to affirm by a resolution, in the name of the Republic, every opinion that I may entertain, and be willing to act upon as the representative of a local constituency. I am not, therefore, prepared to say that it is wise policy to make any declaration upon the subject of the Island of Cuba. Circumstances not within our control, and originating in causes beyond our reach, may precipitate a state of things that would change our action, and reverse our whole line of policy. Cuba, in the existing position of affairs, does not present a practical issue. All that we may say or do is merely speculative, and dependent upon contingencies that may never happen. So it is, in a great measure, with the discussion that has occupied so much of the time of the Senate in relation to the British settlement at the Balize. Although Great Britain has no other title than a mere permit to cut logwood, it is undeniable that she was in possession of the country before the United States became an independent Power, and has maintained the undisturbed possession ever since. Our Government has recognized it as a British colony in various ways, and it is so designated in our public documents. If the object be to provoke a difficulty with England, regardless of the merits of the quarrel, I am inclined to think that it can be accomplished as easily and readily by a notice to quit the Balize as to abandon Canada. But if the object be to establish and maintain a cherished principle of public policy in opposition to European colonization in America, the new British colony recently established at the islands in the bay of Honduras presents that distinct, naked issue, in a form which places us clearly in the right. Now is the time for action. Here is a practical issue presented which should not be evaded by vague generalities and equivocal resolves, which will be understood to mean one thing on this side of the Atlantic, and quite a different thing in Europe. Whatever action we take should be direct, unequivocal, and against the Bay Island colony by name. I am not certain as to the best mode of proceeding; but I am inclined to the opinion that the Executive should take the initiative, and make a courteous, but firm and manly protest against the infraction of the Clayton and Bulwer treaty, as well as the violation of our known policy in relation to European colonization, by the creation of this new British colony, together with the distinct and unequivocal declaration, that in no event or contingency can the United States acquiesce in the continuance of the Bay Island colony. If Great Britain yields to the protest, and discontinues the colony, our rights and honor will be vindicated, and a sufficient notice will be given to the world of our determination to enforce the principle hereafter. If, on the contrary, Great Britain should insist in maintaining the colony in contempt of our protest, it would become the duty of the President to communicate the result to Congress, with the recommendation for the adoption of such measures as should be necessary to enable him to vindicate our violated rights. I am not particular, however, as to the form of the proceeding. My great desire is to meet the question fairly, and assume whatever responsibility the consequences may involve, and not beat a disgraceful retreat under shelter of terrible threats in the event the offense is repeated. If we act with becoming discretion and firmness, I have no apprehension that the enforcement of our rights will lead to hostilities; Great Britain will not be willing to engage in a contest of arms with us when she is so clearly in the wrong. She has given bond and security to keep the peace towards the United States, and she well knows that the condition of a forfeiture is the loss of her colonies, and her expulsion forever from the American continent. Firmness, and prompt unequivocal action on our part, is the only sure mode of preserving peace. Let the Bay Island colony be discontinued, and let us free ourselves from entangling alliances by the annulment of the Clayton and Bulwer treaty, and the United States will assume the position we are entitled to among the nations of the earth.

Mr. President, I will trespass on the kindness of the Senate no longer. I have deemed it due to myself and the occasion to make this exposition of my views. I have availed myself of the earliest opportunity afforded by the removal of the injunction of secrecy, to explain my reasons for opposing the ratification of the Clayton and Bulwer treaty. I have contented myself with vindicating my own course without assailing any one, or calling in question the conduct of others. I return my thanks to the Senate for the kindness and courtesy extended to me on this occasion.

Mr. CASS. Mr. President, the honorable Senator from Illinois [Mr. DOUGLAS] has indulged in some pretty hard criticisms upon the terms of my resolution, and I desire to show him and the Senate, as I trust I can in a few moments, that they are rather hypercriticisms, not at all warranted by the tenor of the resolution. The honorable Senator commences by saying that the terms of this resolution relinquish the past and the present, and

refer only to the future, because they save "existing rights." Does the honorable Senator mean to violate existing rights?

Mr. DOUGLAS. I have answered emphatically, no.

Mr. CASS. Then why not say it in the resolution? It saves "existing rights," not existing wrongs. It is in the very words of Mr. Polk, used more than twenty years after Mr. Monroe proclaimed the doctrine. Yet, Mr. Polk very properly in his message, saved existing rights, not existing wrongs. But he did not thereby mean to sanction any violation of this principle, which had previously occurred.

If, therefore, the British Government has established a colony in any part of the continent in direct contravention of this resolution and of the Monroe doctrine, it is an existing wrong and not an existing right, and it cannot shelter itself under any construction of this resolution. It secures to the British nothing more than their rights; and that is just what it purports to do.

And what such rights are, the American people must judge, upon that responsibility which they owe to the world and to history, when they come to make a practical application of the principle, and are required to decide whether a colonial establishment is a right to be tolerated, or a wrong to be redressed. And this duty is one which always devolves upon nations in their intercourse with other Powers of the earth.

Now, then, if Great Britain has taken possession of the Bay Islands, and established a colony there, which she had no right to establish, her existing rights there are not affected, for she has none. Her wrongs make no rights. The whole subject is fully open for redress. Mr. Monroe very properly, Mr. Polk very properly, and this resolution, with equal propriety, in order to prevent any charge of an unjust spirit of aggrandizement on our part, by the nations of Europe, have said, "We do not interfere with your existing rights, whatever they may be; of the extent of these we must judge when the occasion arises; but we disclaim any intention to interfere with your own colonies—to hold them, to settle them, to maintain them, just as you please—these are existing rights which we do not touch; but if you have done us wrong by establishing and holding colonies where you have no rights, then we intend to apply our American principle and dislodge you from positions unjustly taken."

I repeat Mr. Polk's language, that the existing rights of every European nation should be respected. Twenty-five years before his declaration the doctrine had been proclaimed by Mr. Monroe; but no man then contended, and Mr. Polk never dreamed, that this provision had a retrospective effect, and protected wrong running back through a period of a quarter of a century. The idea never entered his mind.

The Senator supposes, if I understand his construction, that such a resolution as this would wipe out all preceding acts. Why, sir, until you can convert a wrong into a right, it wipes out nothing at all. It leaves us just as free to pursue the course towards them which our honor and our interests demand, as though we passed no resolutions at all.

The principle is right, and I do not understand, though I must confess I do not clearly comprehend him, that the Senator from Illinois contests it. I mean the principle of maintaining that we, as a principal Power upon this continent, have a right to say that European influence shall not be extended here. I do not understand him to deny it at all. You lay down a principle, and when you come to apply it, you judge of existing rights; you judge of the condition of the colonies of the European Powers upon this continent; and, acting as becomes an upright nation, if they have colonies they have a fair right to hold, you ought not to interfere with them.

But if one of them has established the colony of Bay of Islands in the very face of our rights, and in the very face of existing treaties, that is not a claim which is saved by this resolution, but is an unjust pretension, which we are authorized to remove and correct. To be sure, as I have already said, in judging such cases we act upon our responsibility, and we ought so to act as to be absolved from the charge of aggression and injustice.

Now, Mr. President, the Senator from Illinois says there is no use in laying down the principle, for it will be violated. Mr. Monroe thought it of some use, and actually laid it down. Mr. Polk thought it of use, and also laid it down. Mr. Jefferson, in a letter which I have already read to the Senate, announced his adhesion to the doctrine, and thought it very important it should be solemnly proclaimed by a public national act. Where has been our error in our course upon this grave subject? Precisely the one now sought to be remedied by this resolution. In 1823, when the doctrine was first promulged here, resolutions were introduced in the House of Representatives by Mr. Clay and Mr. Poinsett, affirming the doctrine, in order to give it an authoritative influence through the world. But it was not done. The matter slept. Mr. Polk sought the same object. An honorable Senator from Ohio [Mr. ALLEN] also felt the necessity of Congressional action, and introduced a resolution similar to the present one. But all these efforts were in vain. The efficient prop to support the building was wanting. Mr. Jefferson says expressly, in a letter which I have before me, that inasmuch as the declaration might lead to war, it was proper that it should be laid before Congress for its sanction; but it was not done. The doctrine, as sound a one as any nation ever proclaimed, almost passed into oblivion. And now, in this new condition of the world, when God alone knows from day to day what convulsion is about to break out in Europe, and the effect it will have upon us, and upon the other American States, it is proposed to put the doctrine in an authoritative form; and what right has the honorable Senator to say that if this be done we shall suffer it to be violated?

The honorable Senator says the doctrine was violated in the case of Oregon. I say it was not, and I say that the honorable Senator is under a total misconception of the effect of the treaty relating to Oregon. By that treaty England extended her boundaries beyond what he and I thought she had a just claim to do. We believed she had no just title by four and a half degrees to the boundary she obtained; but the American Government said, your colony does come down to the forty-ninth degree of north latitude. That being the case, there was no Monroe doctrine in the question. The fault was not in the application of the doctrine, but it was in allowing Great Britain to have a larger colony than she had a right to. But the moment we conceded that the line of the British possessions came down to the forty-ninth degree of north latitude, that moment we conceded that the Monroe doctrine had no application to it; for we thereby conceded that the country was a British colony, and of course her *existing rights* secured to Great Britain the just power to deal with such colony as she pleased. It was a question of colonial government, and not of Monroe doctrine. The Senator is therefore under a total misapprehension with regard to the matter; and if we had said that the British line came down to San Francisco, there would have been no question for the application of the Monroe doctrine, as that would have been estopped by the establishing of a boundary between us and her colony on the Pacific coast.

With respect to the Bay Islands, the other question to which the honorable Senator has referred, what have we given up there? Nothing. We never heard even a rumor of it till within a few weeks; and the moment I heard of it, I introduced a resolution into the Senate, with a view to ascertain from the Executive what were the true facts of the case. And the resolution now before us, instead of conceding anything in favor of this colony of the Bay Islands, was introduced before we had any answer from the Executive, or any knowledge but a vague report of the British Government. Subsequent events have come to enlighten us. Who, then, has a right to say that there has been any delay or neglect in this matter, or that these resolutions concede anything to England? Have we said that the Monroe doctrine shall not apply, but that Great Britain has a right to hold this colony, in the very face of her own stipulation? No American citizen or legislator ought to say we have done anything by which we acquiesce in the conduct of Great Britain in reference to the colonization of the Bay Islands. I trust the Executive Government—but upon this without book, as I know nothing—have taken a proper course, and made the necessary investigations and remonstrance. At any rate, this branch of the Legislature, as a depository of much of the powers of the American people, has but recently been made acquainted with the facts, and a resolution on the subject has been reported by the Committee on Foreign Relations within the last week. Therefore, I say that no man has a right to assert that we have conceded any principle of the Monroe doctrine in relation to the Bay Islands.

Then how is it with respect to the other two cases mentioned by the Senator—the treaty with Mexico, and the Clayton-Bulwer treaty? The Mexican treaty terminated a glorious war with a great many advantages to our country. It is not necessary to go over the circumstances of the formation and ratification of the treaty. We gained much and conceded but little. The Clayton and Bulwer treaty was concluded twenty-five years after the Monroe doctrine had been promulgated, but not enforced. Attempts had more than once been made to procure the sanction of Congress to this doctrine, in order to give it its proper effect. But they had failed, and it is possible that the same fate may for a while await the present effort. That doctrine had remained a dead letter upon your national archives. Then there came a proposition from England to agree that we should not interfere in that part of the continent, if they would not. It was the best thing we could do. We could not get a Congressional sanction of the Monroe doctrine; and the honorable Senator at this day is not willing to join in giving it. I repeat, what had we to do under those circumstances? Why, it was manifestly our policy to agree with England to keep hands off. Therefore it was that I voted for the ratification of the Clayton-Bulwer treaty. I agree that the subsequent conduct of England has been perfectly unjustifiable, and those who voted against the treaty had good ground for their position, if they suspected her of bad faith, as the subsequent facts have shown. But instead of that treaty being an abandonment of the Monroe doctrine, its very object was to carry that doctrine into effect, by preventing the future interference of an European power in the affairs of this continent. That this object has failed of attainment by the bad faith of England, and by her pretension to circumscribe Central America, not by its true boundaries, but by those assumed by yourself, is no charge against those who voted for the treaty.

The honorable Senator objects that this resolution declares that in any ultimate contingency that may arise, we will do what our interests and honor require. Now allow me to say to the honorable gentleman, that in the intercourse between nations, where solemn declarations like these arise, there are two modes of proceeding; one is an absolute declaration to the nations of the world, or to such of them as are interested in the matter, if such a certain act is done injurious to the Power protesting, it shall be followed by war. Another is by a declaration that such Power reserves to itself the right to act under the circumstances as the occasion may require. The latter is the declaration of this resolution in regard to colonization; the former is the declaration of the one in regard to Cuba. By it we pledge ourselves to intervene by war if any other Power should attempt to gain possession of Cuba.

But with regard to colonization, we leave it to our successors to act as circumstances may require. There is nothing more common in the history of national intercourse, nothing more common when grave exigencies arise, when events seem to announce political convulsions, in consequence of unreasonable and unjust pretensions, seriously effecting the honor or interest of a nation, than for such nation publicly to proclaim its policy, and the course of action it intends to pursue if the pretension is pushed to action. And I would say to the honorable gentleman, as I said before, that there is no Power in the world which will entirely disregard the declaration of the people of the United States upon a point respecting their interests and honor. Nor is it merely throwing away words to declare what that course will be. Such a declaration made in the name of the American people by their authorized servants is not a

vain display, but it is a solemn annunciation of their purpose, and as such will be believed and heard by the Powers of the world, and it does not become an American Senator to diminish the influence of such a proceeding by any doubts as to the course of other countries, or as to his own.

The Senator recommends a course that contradicts his own doctrine. He is for a protest—by whom? By the President. Thirty years have gone by since Mr. Monroe proclaimed his doctrine. He protested, Mr. Polk protested, and it is to avoid the failure which attends an Executive protest that I introduced this resolution. I wish to put upon record the solemn protest of the American people by a public act of their Government. I want this to go before the world authoritatively, as the declaration of the sentiments and purposes of the American people. Suppose the honorable gentleman's recommendation should be adopted, and the President should protest; it is well known to Europe that our Executive has no power to declare war; no power, in truth, to enforce his own act. That power is lodged exclusively in the two Houses of Congress, and unless they assert the principle, the nations of Europe may continue to disregard our presidential declarations; for they well know that he who makes them cannot give them effect. Are you going to protest without reference to what is to follow? Your protest, in such a conjuncture, to be effectual, must be followed by some indication of the course you intend to pursue in the event of its being disregarded; at any rate, some declaration of your determination to meet the contingency with firmness and decision.

The Senator says he is for giving no pledges; yet he is for protesting on the part of the Executive in relation to the colonization of the Bay Islands, and he intimates rather than states his willingness to support it by Congressional action. Such a protest, if it carries with it no pledge of action or resistance, is a mere waste of words unworthy of the American people. The only value of such a national declaration consists in the determination of the people making it to enforce it, and in the conviction of other nations that it is a pledge that will be redeemed, whatever may be the consequences. The honorable Senator says this is an awful threat. Well, sir, his protest, if it is anything but waste paper, is another awful threat. There is no view which you can take of a general protest, which is not equally applicable to a special one. The history of the world is filled with such examples and declarations. If the honorable Senator is in favor of the principle, what objection can he have to proclaiming it, and making it efficient at once by Congressional declaration? What objection can there be to its receiving our sanction without first passing through the Executive Department? Congress, if I understand the gentleman, and I am not sure I do, is to act after the President has acted, and acted in vain. The difference between us is, that I choose to go at once to the great depository of the power of the American people for that indication of national action which may be necessary.

A few words now with respect to Cuba. I repeat, and the Senate all know as well as I do, that the condition of Europe and the world is most extraordinary, and from day to day, from hour to hour indeed, no man can tell what is to happen. It is therefore necessary for all nations to be prepared. It is the very time when nations should make known to foreign Powers the policy they mean to pursue in certain probable contingencies; and why? That other nations, knowing the determination, may be induced to refrain from designs they might otherwise pursue. It is one chance the more of averting serious consequences. The honorable Senator maintains that the terms of this resolution, disclaiming any designs against Cuba, convey an impression that there are such designs. That is certainly a far-fetched conclusion. Why not make such a disclaimer, if we mean it? The Senator says it is disclaiming what there is no just cause for imputing. We say, or rather we intimate in the resolution, that Cuba would be acceptable to us, but we disclaim before the world, what we have repeatedly been charged with, the design of taking forcible and unjust possession of it. We do it in the existing state of the world to put an end to those reproaches which are eternally made against us; and I suppose that a vast majority of the American people heartily join in this declaration that we do not intend unjustly to seize the Island of Cuba.

I did not exactly understand an allusion of the Senator, but I thought he intimated that this resolution was aimed at him. I can assure the honorable gentleman that I never thought of him while preparing the resolution. My mind was turned to a very different quarter, to the honor and interest of my country. I had not the remotest allusion to him in drawing up the resolution; and I repeat, that my mind was upon a vastly more important subject, and I say that without meaning any disrespect to him. I assure him I had no reference to "Young America," or Old America. Such a thought never entered my head. As to the attacks, of which he spoke, against himself, as the impersonation of "Young America," I have nothing to say, as I have had nothing to do with them. I take it that "Young America" and Old America have been pretty well abused; and I have had a pretty good share of one, as the Senator thinks he has had of the other. I do not believe it has done either of us much harm, nor do I think it is worthy of the slightest notice. I have no doubt but that Old America, or, in other words, Old Fogyism, will continue to be abused, and Young America, as it passes on in the journey of life, must expect to become Old America itself, and share in the abuse which that respectable condition is sure to bring with it.

Mr. DOUGLAS. In reference to the last remarks of the Senator from Michigan, I will do him the justice to say, that I do not suppose he intended the peculiar phraseology of that resolution to convey any injurious insinuation against myself or any other Senator; but he must be aware that efforts have been made to give it such a construction here and elsewhere.

Mr. CASS. Does the honorable Senator allude to me?

Mr. DOUGLAS. Certainly not. The Senator from Michigan has informed us that allusions to Old America and Young America are not fit to be made in the Senate. Perhaps he is right in this respect, but he will bear in mind that I have never alluded to Old America, or uttered the word in the Senate. He has been in the almost daily habit for the last year of assuming to himself the cognomen of Old Fogy, and seems to rejoice in the appellation. He has not unfrequently made pointed remarks about Young Fogies and Young America; but has failed, up to this day, to provoke a response from me, or to induce me to permit the word to pass my lips. The Senator also had an opportunity the other day to rebuke his friend from Alabama, [Mr. CLEMENS,] when he devoted a great portion of his speech to denunciations of what he was was pleased to call Young America and its principles. The venerable Senator from Michigan will therefore pardon me for having been guilty of the indiscretion, in a single instance, of having followed his almost daily example.

Mr. CASS. The honorable Senator will allow me to say one word. If from this time the honorable gentleman will call himself Young America, I will allow myself to be called the Old Fogy, and I shall have no objection to his using the term as much as he pleases.

Mr. DOUGLAS. The penalty is too great for the privilege conferred. Although he has shown every disposition to call himself an Old Fogy, it is not agreeable to my tastes to call him by the one name or to assume the other to myself.

But enough of this. The Senator says I have put a wrong construction upon his resolution, that it only respects existing rights, and therefore by implication condemns all existing wrongs. Under this interpretation it is difficult to perceive of a European colony in America which would be protected by it. What one of them is rightfully held, according to our ideas of political justice? Does the Senator propose to dispossess Great Britain of Jamaica because she holds it by the title of Cromwell's seizure, who, according to English doctrine, had no rightful authority to wield the power of that kingdom? Does he propose to give England notice to abandon the Balize settlement, because she holds it by no other authority than a mere permit to cut logwood, of an older date than our Declaration of Independence, and an undisturbed possession from that day to this? Does he propose an inquiry into the rightful authority by which Great Britain and all other European nations hold their colonies in America? If so, he is several steps in advance of Young America, and his resolution carves out more work than the public generally suppose from reading the Senator's speeches in its support. Under this interpretation who will be authorized to say what existing rights are protected and what colony is condemned by the resolution? Its vague uncertainty will assuredly deprive it of all efficacy. No matter what construction the Senator may put upon it, I am sure England and all Europe will understand it as recognizing their right to hold all existing colonies, and a proclamation of our purpose never to allow any new European colony to be planted in America; that it is a full act of forgiveness and oblivion as to the past, and a solemn warning as to the future.

But the Senator insists that his resolution will have, and ought to have, a retrospective effect. If so, let him so amend his resolution as to make it declare distinctly that all European colonies established in America since Mr. Monroe's memorable declaration, and in violation of it, together with all which shall hereafter be established, are to be resisted by this Government at all hazards. Is he prepared to do that?

Mr. CASS. Perfectly.

Mr. DOUGLAS. Then I understand that the honorable Senator is willing to say in his resolution: "*Resolved*, That all colonies which have been established upon the American continent by Great Britain, or any other European Power, since 1823, in violation of the Monroe declaration, and all that may be hereafter established, are to be deemed hostile to our interests and safety, and to be resisted by the full power, if necessary, of this Government."

Mr. CASS. I will vote for it to-day.

Mr. DOUGLAS. Why did he not make his purpose apparent on the face of his resolution?

Mr. CASS. Certainly; that is my idea; that is my construction. It is plain talk, and I like it.

Mr. DOUGLAS. That is plain talk. Then, let us see where we are according to the explanations that have been made. Does the Balize come within this restriction, and is Great Britain to be required to draw in her boundaries to what they were in 1823?

Mr. CASS. She must draw it in just so far as she has extended it illegally, or in contravention of our rights.

Mr. DOUGLAS. The seizure of the Bay Islands is to be disavowed, and those islands are to be restored?

Mr. CASS. Precisely.

Mr. DOUGLAS. The seizure of the town of San Juan, at the mouth of the San Juan river, on the 8th of February, 1848, is at once to be disavowed, and it is to be restored to Nicaragua?

Mr. CASS. Certainly.

Mr. DOUGLAS. The British protectorate over the Mosquito coast is to be abandoned, and treated as if it had not existed?

Mr. CASS. It is abandoned by the treaty.

Mr. DOUGLAS. I do not think it has yet been abandoned. I shall wait patiently for the Senator to bring forward his modified resolution in such terms as to embrace all the objects to which I have referred, for I looked in vain through his speeches for something to show that he ever dreamed of carrying his resolution back to the past.

Mr. CASS. I never thought of anything to the contrary.

Mr. DOUGLAS. I do not longer doubt it. I think the Senator and myself will soon get on ground where we will understand each other's meaning better. I see clearly that the debate will do good, for the explanations which have been so frankly made will enlighten Senators as to the real objects and purposes the Senator from Michigan has in view. Instead of taking it unkindly, he ought to feel grateful to me for calling out this explanation.

Mr. CASS. I am much obliged to you.

Mr. DOUGLAS. Passing from this point, the Senator from Michigan has stated that I am opposed to declaring the Monroe doctrine, and then proceeded to show my inconsistency by proving that I was in favor of it.

Mr. CASS. I beg pardon. The honorable Senator will allow me to say, that I stated his objection was to Congress declaring it, but still he wished the President to carry it out.

Mr. DOUGLAS. I did not object to Congress declaring it.

Mr. CASS. Then I misunderstood the honorable Senator.

Mr. DOUGLAS. I stated that the seizure of the Bay Islands, and their erection into a colony, was in direct violation of the Monroe doctrine, as well as an infraction of the Clayton and Bulwer treaty; that these islands presented the distinct issue under circumstances which place our country clearly in the right; that I desired to make the issue on that point, and have all our proceedings meet that issue fairly and directly. I objected to the Senator's resolution, because, according to my construction of its terms, it would be understood as acquiescing in the existing state of things; or, in other words, that it was an abandonment of the doctrine as to all practical questions to which it may now be applied. I expressed the opinion that it was the duty of the President to make a courteous but firm and manly protest against the establishment of that colony, together with the statement that the United States could never submit to such a violation of the treaty in contempt of our cherished policy, and that in the event that England should persist, the President should communicate the facts to Congress, and that we should clothe him with the power, and furnish him with the means for vindicating our rights and redressing our wrongs. I intimated the opinion that perhaps it was better for the Executive to take the initiative, as that is the only branch of the Government through which we can communicate with foreign nations, but in respect to the mode of proceeding, I expressed my willingness to conform my action to the views of the Senate. The main point I made was, that having a distinct issue before us, on which we were clearly right, we should meet it fairly, and assume whatever responsibilities the vindication of our rights might involve, and not evade it under cover of vague generalities and equivocal resolutions about "henceforth" and "future" colonies.

Passing from this point, I must remind the Senate that the Senator from Michigan did not undertake to show that I was not right in saying that every article, provision, and line of the Clayton and Bulwer treaty was predicated on a virtual and practical negation and repudiation of the Monroe doctrine. He prudently passes over in silence the Clayton and Bulwer treaty, which is of recent origin, and the terms of which are being daily and flagrantly violated, and attempts to show that I was mistaken in relation to the Oregon treaty, about which no practical question can at present possibly arise. I admire the prudence which dictated this course, and will proceed to show that I was not mistaken in respect to the Oregon treaty. Prior to its date there was no British colony in America, west of the Rocky Mountains. The Hudson's Bay Company's charter confined them to the country drained by the waters flowing into the bay. Neither Canada nor any other colony extended west of the Rocky Mountains. The title to that country was held in abeyance by the treaty of non-occupancy, which prohibited both parties from colonizing it. We terminated that treaty and formed a new one, which established the parallel of 49° as the boundary. By this treaty Great Britain consented that we might erect Territories and States south of that boundary, and the United States consented that Great Britain might establish new colonies north of that line, and in a portion of the continent where they did not exist before.

But I will not weary the Senate by discussing points of no practical value. I have great respect for the opinions of the honorable Senator from Michigan. I know his familiarity with our foreign relations, and shall be glad to follow his lead in wiping out all treaty stipulations which have been erected as barriers to the prevalence of the doctrine we both desire to see carried into effect. Let him so modify his resolution as to provide for the discontinuance of the Bay Island colony and the Clayton and Bulwer treaty, as the first and essential step towards the establishment of the Monroe doctrine, and we will stand upon a common platform, struggling side by side in a common cause.

Mr. BADGER. Mr. President, I rise for the purpose of doing a simple act of justice to this resolution. I rise for the purpose of saying a word in its defense, from what I think was an extremely undeserved and illiberal criticism which the Senator from Illinois has bestowed upon it. Sir, I have taken no part, and I design to take no part, in the discussion which is going on in the Chamber between our very harmonious friends on the other side of it; but I am a friend of justice; I am an advocate for protecting the old from the assaults of the young. I dislike especially to see injustice measured out by "Young America" to an "Old Fogy," professing myself to belong in some respects to that category.

The Senator from Illinois has said, with an ingenuity which belongs to him, but with a disregard to justice and fairness which I have seldom seen him exhibit, that this resolution is liable to exception, because it is altogether future in its operation—because it leaves all past transactions undisposed of, and dates itself from the present time by the emphatic word "henceforth." Why, sir, the honorable Senator ought to have known, and from the expression upon his countenance, I believe he did know, but concealed his knowledge, that that word "henceforth" comprises the very virtue, and excellence, and particular spirit and matter of the resolution. Do you not see how the thing operates? The Monroe doctrine is to be reaffirmed. How, sir? From "henceforth." [Laughter.] Let by-gones be by-gones; we do not touch anything that is past; but, sir, "henceforth" we put forth the Monroe doctrine as the law which we dictate to the Powers of the world.

Mr. Monroe put it forth some years ago with exactly the same qualification upon it of "henceforth." Now, sir, if the honorable Senator is the advocate of the Monroe doctrine, permit me to inquire of him how he can strike out the word or the sense "henceforth?" [Laughter.]

Mr. DOUGLAS. I give it up.

Mr. BADGER. Mr. Monroe did not undertake to interfere with any past transactions in his day. He only said "henceforth" we lay down the line beyond which you shall not go. Now, the Senator from Michigan, instead of being liable to reproach, has shown himself to be a true and loyal subject of Mr. Monroe's doctrine, for he takes it up from "henceforth." All that has happened in the intervening time between Mr. Monroe's promulgation of this doctrine and the present hour is, as to our proceedings, what had happened up to the time when Mr. Monroe promulgated his doctrine in the times then past—it all belongs to by-gones, which a generous and liberal-minded nation never seeks to disturb.

Now do you not see, Mr. President, how admirably we are following out the course laid down and the policy of the Monroe doctrine from "henceforth?" Very well, sir; suppose we pass the resolution. We do not interfere with any settlements that the British have made in the Bay Islands, or the Bay of Islands, or whatever name this strange and out-of-the-way place may bear; we do not interfere with the Balize; we do not interfere with Jamaica; we interfere with nothing that is past, but we say, beware "henceforth." [Laughter.] Well, sir, nineteen or twenty years hence, if this Government holds together so long, as I trust it will for many a successive period of twenty years, a presidential election will be coming on, or just be over, and we can then reproduce the Monroe doctrine with the same identical word "henceforth," touching nothing that has taken place in the twenty years which will have elapsed between now and that time. Thus we see how admirably it works.

All of us understand that these resolutions are not intended to operate exteriorly to the Government of the United States; they are not intended to affect foreign Powers, but they are for home operation and home consumption. [Laughter.] Then do you not see how admirably we work the problem out? Let Great Britain come on; let her make colonies; let her extend her dominions on this continent, and from time to time we will notify her—not that she shall discontinue what she has done; not that she shall forego or give up anything that she has acquired—but ever and anon we will signify to her from "henceforth" you must direct and manage your conduct with a proper respect to the restrictions we have laid upon you.

Do you not see, sir, that if the Senator from Illinois could strike out the word "henceforth"—and I will vote against any such striking out; I do protest against it—it would deprive the resolution of all practical bearing and useful operation? I should be obliged to go against the resolution if you strike out "henceforth." It is possible I may go for it with the word "henceforth" in; and then, you see, we will have this beautiful spectacle presented to the world.

We lawyers used to hear, in old times, about what was called "continual claim." When a fellow was in possession of a tract of land to which another man set up a title which he was not exactly disposed to give up, and when, perhaps, the claimant distrusted his power to enforce upon him that he should give it up, he went over—I believe that is the way of it, for I do not pretend to be very well learned in my recollection of these old things; I have not heard anything about them for thirty years—and going upon the land, or as close to it as his adversary would allow, he put in the claim to that land, and did nothing further. But when another year had rolled round, he went and put in another claim, and that they called making a continual claim. This was for the purpose of keeping alive his rights in the premises. Now, do you not see, sir, that this admirable process is accomplished by the reproduction of the Monroe doctrine once in every ten, fifteen, or twenty years, with the word "henceforth," which the Senator from Illinois is so invidious and unjust as to desire to strike out, and that by this we keep ourselves exactly in that position? We let European innovations, if you please to call them so, or colonizations, or something or other, go on quietly upon this continent, while we accompany them not with a "continual claim," but a continual notification, protest, and expression of deep concern. That is what we do.

A few words as to the Monroe doctrine, which the Senator from Illinois says he is prepared to go for and support at all hazards. I am not exactly inclined to say that I agree with him. I have yet to learn that Mr. Monroe was anything more than a President of the United States. Mr. Monroe was not what Louis XIV. or Napoleon claimed for themselves with regard to France—the State. He was not the embodiment or representative of the whole powers of the American people; he was not the nation. I know of no authority that he had, by any declaration of his, to bind us and our posterity to maintain a particular course of policy forever, or for any length of time. I will go for the Monroe doctrine just so far as I think it is right. I do not say that I will not go for it altogether; but if I do, it will not be because it is the Monroe doctrine, but because, upon an examination of it, I believe it right, proper, expedient, and beneficial to the nation to go for it. Why, is not this monstrous? We have had lately superinduced upon the Constitution of the United States the Virginia resolutions of 1798. I thought that was going far enough; but those were resolutions adopted by the Virginia Legislature—by the Ancient Dominion—patronized and promoted by Mr. Jefferson, the father of Democracy. But shall we say now that we are to have another appendage put to the Constitution, in the shape of a fundamental amendment, upon the authority of Mr. Monroe, a President of the United States, and that we are not at liberty to debate, to consider, to examine, to decide for ourselves, how far it is right to follow out that resolution? I shall take the liberty, whenever the question comes up, of deciding for myself upon that point, not considering myself as bound by any bonds or links, either of iron or of brass.

But I am sorry to have been diverted to this matter of the Monroe doctrine. I rose merely for the purpose of interposing against what I thought was a very unfair proceeding on the part of the Senator from Illinois, and of insisting that the only word in the resolution which should make it especially palatable and practically useful and valuable now and for all time to come, was that very word in two syllables which he wishes to strike out, to wit, the word "henceforth." [Laughter.]

Mr. HOUSTON. I move to postpone the fur-

ther consideration of the resolution until Saturday next, as that will be a leisure day, and I do not wish to take up much of the precious time of the Senate.

Mr. UNDERWOOD. I would ask the indulgence of my friend from Texas to allow me to make a very brief statement.

Mr. HOUSTON. Very well, sir.

Mr. UNDERWOOD. I rise, Mr. President, "to vindicate the truth of history." I wish to correct my friend from Illinois in one respect. He has charged the Administration of General Taylor with making war upon the Monroe doctrine, by entering into the Clayton-Bulwer treaty. He is utterly mistaken in regard to the origin of this war upon the Monroe doctrine, if he supposes it originated with that treaty. When the saddle is put upon the right horse, it will be found upon the back of his own party.

No reason for such mistakes can be assigned in behalf of the gentleman from Illinois, no excuse can be made for him, except that he belongs to "*Young America*," and his recollection does not go back far enough to enable him to know the facts. Here they are: In 1835, Mr. Clayton, the Secretary of State during the Taylor Administration—then a member of the Senate—offered the following resolution. Let me read from the Journal:

"The following motion, submitted by Mr. Clayton, was considered and agreed to:

"*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all other nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking, and proceed to work."

"*Ordered*, That the Secretary lay this resolution before the President of the United States."

Andrew Jackson was President of the United States when this resolution was adopted; and my information is, that when it was laid before him, he approved it; but I have not the official evidence of the fact before me. If I had, I would read it to the Senate. This resolution was adopted by the Senate, and there was not even objection enough to call for the yeas and nays. It was adopted in 1835, requiring negotiations to be opened with all nations in favor of this interoceanic communication, giving to all equal privileges, and asking the President to enter into stipulations to that effect. It is true it was offered by Mr. Clayton, but it was subsequently carried out and approved, as I am informed, by the then President of the United States, and it was adopted not by a Whig Senate, but by a Senate with a majority composed of members of the Democratic party; so that what I stated at the commencement is literally true, that the foundation of the policy belongs to the Democracy, was sanctioned by them, and put afloat by them.

Now, what subsequent facts transpired? Mr. Bidlack, appointed by Mr. Polk, Chargé d'Affaires in Bogota, actually made a treaty with New Granada, which I have before me, and a part of which I will read. He was sent out in 1846, I think, and he made this treaty with New Granada, by which he secured to the United States at all times during the existence of that treaty, the right of a free passage across the Isthmus of Darien; and in consideration of the cessions made by the Government of New Granada in that treaty, the Government of the United States stipulated and agreed as follows, (I read from the treaty:)

"And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guaranty, positively and efficaciously, to New Granada, by the present stipulations, the perfect neutrality of the beforementioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists."

If, therefore, Great Britain or France, or any other powerful nation on the earth, should desire to secure by hostile measures a transit across that isthmus, our Government is bound by this treaty to take up arms and defend New Granada against that nation; and all that is done in Democratic days, and under Democratic rule.

When the Taylor Administration came into power, with Mr. Clayton as Secretary of State; when they saw by the resolution of 1835 that this plan of treating with all nations, and getting the whole of them to come into treaty stipulations guaranteeing the opening of an interoceanic communication across the Isthmus, and making it a neutral thoroughfare for the world; and then, when they saw that by the Bidlack treaty of December, 1846, with New Granada, we were bound to guarantee the neutrality of the Isthmus of Darien against all nations who might undertake to force a passage through it, was it not very natural that they should ask Great Britain and France, and other Powers, to unite in these same guarantees, and thereby make the obligation less burdensome upon us in case war became necessary, in order to fulfill our guarantee of the neutrality of that Isthmus?

Sir, the thing is too plain. It cannot be gainsayed. But these facts seem to have been overlooked entirely by the gentleman from Illinois in his attack upon the Taylor Administration. Thus a Democratic Senate adopts a resolution inviting all nations to enter into treaty stipulations for the protection of individuals and companies who may engage to construct a ship canal across the Isthmus, with an assurance that every nation which enters into the measure shall have equal privileges upon the payment of the same rates of toll; the father of modern Democracy, Jackson, not Jefferson, approves it; Polk, "Young Hickory," binds us by treaty to fight all nations which may disturb the neutrality of the Isthmus; and then, when the Taylor Administration does no more than act in conformity to this Democratic policy, the Senator from Illinois denounces and charges that Administration with surrendering the Monroe doctrine! Why, sir, it proves that the Whigs cannot possibly escape Democratic censure. If they do precisely what the Democrats recommend, they are blamed for obedience! The Democrats make a feast, invite all nations, ask the Whigs to wait on their guests, and then turn around and denounce them for doing it! Such is *modern* Democracy! Besides, the Clayton-Bulwer treaty was ratified by a two-thirds vote of the Senate, consisting of a large Democratic majority, and if the Monroe doctrine, which is now so precious, has been overturned by the Clayton-Bulwer treaty, who is it that has overturned it? It has been done by Democrats themselves.

Thus I have shown you that this policy originated with Democrats, was sanctioned by the head of the Democratic church, General Jackson himself, and has been continued by them in the formation of a treaty with New Granada in 1846, and by the ratification of the Clayton-Bulwer treaty. Having stated these facts, allow me to say that I am like the Senator from North Carolina. I think the best part of the resolution of the gentleman from Michigan [Mr. CASS] consists in the word "henceforth;" and I agree with the Senator from Illinois in one particular, and that is: I am not willing to act upon abstractions until the facts of the case are presented.

Mr. BADGER. Then they cease to be abstractions.

Mr. UNDERWOOD. Yes, sir; they cease then to be abstractions; but I will not upon any occasion now or "henceforth"—using that term, which the speech of the Senator from North Carolina has dignified with undying celebrity—begin to endorse abstractions of any kind. It is time enough for us to act when called upon to act upon facts. When facts are presented, it is then time enough for us to do what the dignity and the honor and the interests of our country require. It is useless to say beforehand what we will do. When individuals bluster and make threats, I have no faith that they will ever execute them; nor have I any more faith in blustering nations than I have in blustering individuals. My doctrine is to wait until the time for action comes. If any of our treaties have been violated, let us make a serious inquiry into the facts of the case, and then act with promptness and decision. Long talks under injuries are ridiculous, if not contemptible.

A word more with regard to taking Cuba, or seizing Cuba, or buying Cuba, and that for purposes of defense. It presents the strangest question, sir, for the consideration of an "Old Fogy" like myself that ever was presented to a deliberative body. My recollection goes back to the war of 1812; it even goes a little beyond that period. And when we were weak, when we were really imbecile compared with what we are at present, nobody ever thought of acquiring Cuba for defense. When we wanted defense, no one thought of seizing or purchasing Cuba for defensive purposes. But now, when we have grown strong, when we can defend ourselves against all the world without Cuba, everybody wants Cuba as a necessary element of defense! It is so inconsistent, it is so preposterous, when we compare it with the history of the past, with the times which I myself have seen, that it is the most wonderful thing I have ever known to be deliberated upon us gravely as this has been. The only argument that anybody has attempted to advance here is, that its acquisition is necessary for national defense. Just as we have grown in strength and in power, and can do without any acquisition of that sort, just in proportion to the enlargement of our means and power, is the clamor increased that it is necessary to get Cuba for purposes of defense!

Mr. President, I fear that under the plausible pretence of self-defense, a right which equally pertains to nations as individuals, we are fomenting a spirit of aggression.

Sir, I have not a particle of credence in the position that the possession of Cuba is essential to our national defense. We can defend ourselves without it, and if we had it it would only give us more to defend, in case we were attacked. If the nations attacking us were more powerful, on land and on sea, than we are, they could land an army on any part of the coast of Cuba, if it was ours, blockade Havana and the other ports, and unless we had them very strongly fortified and garrisoned, they might capture the strong places and conquer the whole island. Instead of being an assisting element in the defense of the country, the acquisition of Cuba would only weaken us by increasing the territory we should be called on to defend. To do it, we should have to enlarge our armaments and take troops from healthy temperate climates, to die of disease within the tropics. If, after all our exertions, our enemy was stronger than we, the probability is we should lose in the contest what we now seem so desirous to acquire, upon the delusive calculation that it would strengthen our hands. If we are strong enough to keep Cuba, were it now ours, against any enemy capable of giving us serious annoyance, we are able to defend ourselves against that enemy without it.

Mr. DOWNS. I have heretofore taken no part in the discussion of this resolution, and I did not design to do so, but the discussion has taken a range so wide to-day, that I think some reply is required to some of the positions which have been advanced. It is now too late to go on with the debate.

Mr. UNDERWOOD. I would suggest to the gentleman that I forgot to renew the motion of the Senator from Texas, which I promised to renew. It is, that the further consideration of the resolution be postponed until Saturday next.

Mr. DOWNS. I am indifferent as to the time.

The motion to postpone was agreed to, and, on motion,

The Senate adjourned.

RAILROAD TO THE PACIFIC.

SPEECH OF HON. A. P. BUTLER,

OF SOUTH CAROLINA,

IN THE SENATE, *February* 5, 1853,

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the protection of the emigrant route and a telegraphic line, and for an overland mail between the Missouri river and the settlements in California and Oregon.

Mr. BUTLER said:

Mr. PRESIDENT: We are engaged in the consideration of a bill of unusual importance, and it seems to be assumed, as I understand, that it is to be carried through this body and through the other House by the momentum of its own magnitude.

I listened, as I usually do, with profound attention, to the able and interesting remarks of the honorable Senator from Illinois, [Mr. DOUGLAS;] but I must confess that when he announced that this was an enterprise without a parallel in the history of the world, and that therefore we were to disregard all the lights of example, experience, usage, and precedent, I felt somewhat astonished at the attitude in which the American Senate was likely to be placed, by being forced to adopt a foregone conclusion without the advantage of examination or the security of deliberation; in other words, to run all the hazards of a legislative experiment in reference to the greatest measure of the kind the world has ever known. To borrow the language of the Senator from Illinois, "a measure without a parallel."

The reason given by the friends of this bill, why we should not have such lights before us as are usually consulted in such cases is, because this is a measure whose magnificence puts at defiance everything that has preceded it, either in the Congress of the United States, or in any other deliberative body of the world. A measure, the success of which must therefore depend, more upon the chances of blind fortune, than upon the counsels of wisdom, or lights of experience.

Mr. President, I have been referred to more than once, and I appreciate the compliment, as one of the gentlemen who might have some constitutional difficulties in relation to this measure. I shall not indulge in a homily upon the Constitution. No, sir. I shall go directly to the merits of this bill; for, independent of all my constitutional objections, I shall be bound to oppose it on other grounds, such as have no doubt been well indicated by several other gentlemen. Then, sir, I come directly to the question, What is the bill? It is the boldest proposition that has ever been brought before this Legislature for a system of internal improvements. I give my friend from Texas [Mr. RUSK] credit for his intrepidity. I say it is the most undisguised proposition which has ever been brought before the Congress of the United States, looking to a system of internal improvements. What, then, are the provisions of the bill upon which this proposition is founded? Let me analyze them.

The bill proposes to construct a road from the Mississippi valley to some point on the Pacific ocean; and how? The President, as I understand it, is to indicate the termini at the Mississippi and the Pacific, and also the mountain passes through which the road is to go; and then he is to employ engineers to fill up the intermediate space by reconnoissances, or to make such examinations as may be satisfactory to him. What next? After the President shall have performed this function of saying where this great channel of commerce shall run—of having imposed upon him powers so extraordinary, and such as, in my opinion, do not belong to the Executive branch of the Government, or ever was before conferred upon any American President—we are required to divest ourselves of all legislative jurisdiction and control over a measure involving the abiding destinies of this Confederacy, and perhaps of the world. It is to be taken from the sphere of our legislative judgment, and to be transferred to the exclusive will and discretion of the Executive—a proposition heretofore entirely unknown in the history of federal legislation. It is, Mr. President, in my opinion, a precedent of fearful import.

So much as to the mode of locating the road. Now as to the means and agencies to be employed for its accomplishment. They, in my opinion, as I shall show, are equally unprecedented, dangerous, and unwise. What are they? Why, sir, $20,000,000 are to be supplied directly from the Treasury, to be paid out under the terms and conditions of the bill, which in practice would be mere parchment provisions, to be dispensed with, if need be, by an appeal to legislative liberality. Besides this amount, small as it is in comparison with what it will be in the progress of the work, we are to give alternate sections of public land, equal in amount to about twenty millions of acres, and much more as many believe. Thus we shall have contributed, at the very COMMENCEMENT of the enterprise, means equivalent to $50,000,000 or $60,000,000, and this is but a small index of what may be the future demands upon the Treasury, under the auspices and favorable indulgence of an interested majority.

The next question is, what agencies are to be employed in the enjoyment, direction, and appropriation of these funds?

Why, it is to be a CORPORATION, to be invested with a franchise that may be of immense value, and certainly, in its exercise will it be one of great power. It is to be a body-corporate that may wield the influence of enormous wealth and acquire a title to a tract of country that may be regarded as an isthmus through the great West to the Pacific ocean, and thus unite under the influence of capital, two of the greatest sections of this vast continent, having the elements to increase and perpetuate its own power. It will wield the lever of modern times—money, money—and like the East India Company in the exercise of its immense monopoly of pecuniary power, may usurp the attributes of sovereignty. What security have we in the future against such a result? This corporation will have every temptation and inducement to comply with all the conditions of its charter, to enable it to assume the imposing condition which its wealth and political influence may give it, to become an "*imperium in imperio.*" But it is contended by the friends of the bill, that by its provisions, it is subject to forfeiture for a noncompliance with the terms and conditions of the grant. Depend upon it, Mr. President, there will be no forfeiture if the franchise should prove successful and profitable, and it is evident that $50,000,000 will be first expended, before any contingency for a forfeiture can arise. After that, the corporation will still be under legislative favor, if they have acted in good faith. Recent precedents go strongly to show the facility with which Congress will bestow bounties to indemnify capitalists for any losses they have sustained, or may sustain. Yes, Mr. President, I have long seen that the Federal Treasury has become an insurance office, "to afford indemnity for the past and security for the future." In the event of the enterprise becoming wholly worthless, there will be no occasion for any forfeiture, for the corporators would then be willing to throw the enterprise upon the Government, to be carried on to completion by the contribution of unforeseen sums from the Federal Treasury, for which they, or new swarms of speculators, would be applicants. So that with a bonus of $50,000,000 or $60,000,000, or perhaps more, this chartered company, may embark in this undertaking, with more confidence of advantage, than of hazard, to themselves. They will begin with the contributions of the Government, and may well rely upon its guarantees in their future operations.

Since I have been referred to, as one that may have constitutional objections to this measure, I will present, by way of illustration, a proposition involving principles the same as those of this bill which many of the gentlemen, now advocating it, have condemned as opposed to party creed, upon the ground that it was subject to the same objections which I might well urge to it now. Suppose the proposition, once made, to construct a Federal road from Buffalo to this city, and hence on to New Orleans, were now to be revived, what would gentlemen say? Why, that it was opposed to the constitutional doctrines laid down in the Baltimore platform. Or, to make the proposition more germane to the subject, suppose the scheme was to be to extend the construction of this road from the valley of the Mississippi to the Atlantic. Gentlemen would then take party alarm, and cry out, that this savors of a general system of INTERNAL IMPROVEMENT, and violates the cardinal doctrines of the Democratic creed. In principle, the cases supposed cannot be distinguished from the measure under consideration, for this bill proposes, to make a railroad to run through two or more of the States, west of the Mississippi, by the direct appropriation of money from the Federal Treasury. The other cases referred to would propose to run a road of a similar kind through two or more States, lying east of the same river, having an Atlantic, instead of a Pacific termination. The difference, then, between these systems of internal improvement, is simply the difference between the words Atlantic and Pacific, unless the difference can be qualified, by the fact, that part of the Pacific road runs over territory, and that a desert, belonging to all the United States—a distinction that cannot avail gentlemen, unless they are prepared to give up conviction, or party professions, to the force of interest, and the temptations of sectional aggrandizement; to this complexion it must come at last. They cannot even lay the flattering unction to their souls, which seems to have sustained Mr. Jefferson, in his disregard of the Constitution, by the purchase of Louisiana, upon the broad doctrine of *State necessity*. Such a doctrine might afford a place of refuge for a virtuous and wise magistrate, acting under the duress of necessity, whilst it might become a dangerous hiding-place for selfish expediency or criminal ambition. Gentlemen do not pretend to plead this necessity: indeed, they cannot, for a communication with California can be now had, within thirty days, by the ocean and Panama route. And when a railroad shall be completed, at some one of the many points in contemplation across the Isthmus, it is very doubtful whether this one will have any advantages over it. In a commercial point of view, it is a common opinion that there will be none. These natural facilities of communication seem to have been pointed out by the finger of God, whilst this road to be indicated, without reconnoissance or survey, will be the work of guessing man.

Now, Mr. President, let gentlemen look at it. Is not this a measure of internal improvements, to be constructed by the direction and the means of the Federal Government?—not by the direction of the Federal Government, in its full meaning, but by one of its Departments—the Executive. It is but an illustration of many of the lessons of history, that doctrine, and principle, melt and crumble under the temptations of interest. Creeds and party platforms, are but as barriers of sand against the tide of power, and the force of local combinations.

Allow me to say, sir, that if we are to have a system of internal improvements to be commenced now, in disregard of all our party professions, I greatly prefer that it shall be devised by the Congress of the United States, looking to the general welfare and commercial regulation of all the States of the Confederacy, rather than to such a partial system of improvements, and commercial regulation, as have in many instances been committed to several of the States. Here, sir, I allude to the donation of public lands to several of the western and northwestern States, for the construction of railroads, and cutting of canals. The mere donation of such lands as gratuities, would be objectionable, as a partial mode of disposing of the public domain. But that is not my main objection to this policy. My objection is, it allows the States receiving such donations to make selfish regulations of commerce, not only for their own benefit, but for such as may operate to the prejudice of other States. To illustrate: I might consent to place a staff in the hands of another, under certain circumstances; but not when I know it is his design use it against myself. Self-protection is the first law of nature.

A single State, or one or two States acting in combination, under the influence of local and sectional interest, might yield to the temptation of making adversary diversions of commerce. For instance, the lake States, to make communication through the lakes, to the great sea-ports on the north Atlantic, whilst Congress, representing all the States, would have every inducement to make commercial regulation to subserve the interests and preserve the equality of all the parts. I do not admit, however, that in such regulations of commerce by Congress, that I could expect equality in the appropriations of money for such purposes. All that I mean to say is, that a general system of internal improvements, emanating from the common council of the Confederacy, would be preferable to partial and disjointed regulations of a few of the States, frequently having inducements to make their channels of commerce adversary to others.

Mr. President, we are standing on the threshold of an eventful future. We are about to embark upon a system that will swallow up all others, and will increase the tendency of this Government, once a free confederacy of Republican States, to become a consolidated empire. We are departing from old landmarks, and entering upon a boundless wilderness of unknown powers, without chart

and without compass. We are committing our destinies to the discretion of irresponsible legislation, instead of allowing it to be controlled and protected by the obligations and the guarantees of a written and once-respected Constitution.

I fear, Mr. President, we are approaching a period in the history of this Government, when we shall have to escape from abuses and dangers by revolution, instead of resorting to reform, under the dictates of justice and the prescription of acknowledged forms of Government. But in all this, I know, sir, I have not the sympathy, much less the support, of the majority of this body. I shall therefore spare it the ungrateful task of listening to any discussion of my constitutional opinions on this great and often-considered subject. I acquit myself to the country by referring it to the opinions of the greatest statesmen who have adorned the Republican school of politics in this country. If the opinions of Jefferson, Madison, Tazewell, Crawford, Randolph, Hayne, Rowan, and other distinguished Democratic Republicans, are to be disregarded, mine may not be expected to have any weight upon your deliberations. No, Mr. President, I have lived too long, and seen too much of the predeterminations upon subjects of this kind, to enter upon discussions that are regarded as the stale notions of our ancestors, under the tide of what is called PROGRESSIVE DEMOCRACY. Yes, sir, I have seen enough to convince me that the machinery of this Government, in its actual operation is stronger than the Constitution. The law of progress has superseded the law of the Constitution. I was reminded by a friend, no longer than last night, of the futility of resisting what is called the progressive tendency of the age. I was asked the question, Will you continue to think with your ancestors? I will give the same reply to you, that I gave to him: I am willing to obey the law of progress, for we would not fulfill the great designs of Providence, if we were to oppose it. But to conform to that law, as I would have it observed, it must be regulated by wisdom, freedom, and justice; otherwise it becomes rash, slavish, and aggressive—running into the doctrine, that "might makes right." Under the influence of this law, as I have heard it so often interpreted upon this floor, conservative restraint and guidance, are looked upon as stupid impediments, restraining the wisdom and suppressing the genius of YOUNG AMERICA.

In looking at all nature, I find there are salutary vetoes upon the unrestrained energies and impulses of progress. No nation, or great people, ever attained security, and greatness, by a disregard of these wise lessons, and a disregard of them, even in our own history, characterized as it is by such wonderful developments, would be like Apollo giving up to Phaeton the reins of the horses of the Sun. It is a law to be conducted very much as the concerns of society are, under the impulsive energy of youth and the restraining, wisdom of age.

I once heard my venerable preceptor, Dr. Maxcy, when I was a young man, preach a sermon that struck me with great force. The occasion was upon the death of a young man, remarkable for his energy, gallantry, and every quality calculated to address itself to the favorable consideration of the youthful. In that sermon he said it was well for young men to die, for if the great machinery of this life were committed to old age alone, with all its timid wisdom, society would become stagnant. The impulsive motive power of youth, combined with the subdued wisdom of old age, was necessary to carry on the great concerns of society. Yes, sir, one is just as necessary as the other; and he remarked that if you were to commit the whole concerns of the world to youthful energy, without the restraints and the controlling wisdom of age, you would make a great mistake. It would be a profane opposition to the laws of the universe, as regulated by the wisdom of Deity.

Shall we trust this law of progress to the judgment, I would rather say the decision, of an unrestrained majority, having no other control than the wisdom of its discretion, and the policy of progression? Those who are for trusting alone to the impulsive energy of progress, may sow the seeds of the storm and reap the whirlwind. I have not more caution than other men, but surely I may be permitted, at least, to appeal to *conservative principles* and the *spirit* of the CONSTITUTION to save us from the dangers of acceleration, and the consequences of transgression.

And now, so far from my suffering the Constitution of the United States to restrain this great law of progress, I say that it ought to have been consulted, and its expansibility ought to have been developed, in order to embrace everything that would accommodate it to this law of progress. Sir, the Constitution within itself contains the very element of self-existence—the provision of amendment. Have you amended it? Have you not practically disregarded that provision which allowed the Constitution to expand with the progress of events? Let this be answered; there stands the Constitution a dead letter, in many respects, I will not say in all. You have not expanded it by the wise interposition of the Legislature, allowed by the instrument itself, to amend it according to the exigencies of the change of human affairs. But what have you done? I intend to speak boldly, and freely, and fearlessly, before the Senate upon that subject. If I had the eloquence of Cicero, I might pay a decent tribute to the memory of the Constitution; but I could not restore it, no more than he could restore the life and virtue of the Roman Senate, over which he wept in such strains of eloquence as have survived Rome itself, and given immortality to the memory of the violated institutions of the Commonwealth, as it existed in the days of its primitive purity and simplicity, and before they were tarnished by Augustan casuistry, or imperial pollution. The Constitution has not been amended and expanded to accommodate itself to the progress of events. But what has been resorted to to supply that wise provision? CONSTRUCTION—a construction like India-rubber, that accommodates itself to the interests of those who choose to avail themselves of the Constitution, whenever an advantage is to be gained by any measure. And COMPROMISES where there is no provision of the Constitution. I say, deceptive and dangerous *compromises*, to be violated whenever there is a temptation to do so; and platforms, deceptive, fallacious platforms, to whip parties into harness, and to keep them there, and scarcely for any other purpose. These are the miserable expedients that have been resorted to to supply the place of amendments to the Constitution. If I am to be reproached because I appeal to the spirit of that sacred instrument, allow me to say that I have been doing more to preserve this Union, and the integrity of the institutions of this Confederacy, than those who blindly obey the aggressive spirit of progress. Progress, left entirely to legislative discretion, is a law without limit or certain direction, and must vary according to the fluctuation of the times and the temptations of men. It is as easy to obey it, as to float with the current, but would be as unwise as to follow that current without knowing over what cataracts it may fall. It would be like committing the vessel to the wind, without rudder or compass. To make it safe in a political point of view, it "must have a right direction, and be kept within constitutional limits."

So much upon that general subject; and I say now, without going into the constitutional discussion, that this bill, in principle, if it be correct, allows you to appropriate money to any extent for a system of internal improvements anywhere and everywhere. Gentlemen cannot get over that proposition. I repeat it, that they may understand it. It is to appropriate money from the Federal Treasury for a system of internal improvements. To be sure, this is an internal improvement through Texas, or Iowa, or Arkansas, and California. But if you can go through one State, you can go through ten; and if you can appropriate $20,000,000, you can appropriate $500,000,000. If the principles of this bill be admitted, there is no limit at all to the system of measures, that can be accomplished by the appropriation of money by this Government. In doctrine, it is but a prelude to other measures of the same kind, such as the establishment of an Agricultural Bureau and a National University, both of which have been made the subject of public meetings and popular declamation.

Having made these general observations, I come now to the specific provisions of this bill, and I intend to deal with it with gloves off. I say it is premature, undigested, and experimental; and I think neither of these three propositions can be very well denied. It is premature, because we do not know where the road is to run. It is undigested, because we have had no survey, no reconnoissance, no means of intelligence to enlighten our legislative judgment, and it is experimental, for the want of these data. I know it is very convenient to transfer a legislative judgment to executive conscience; but I say we have nothing to guide our legislative judgment. Have we any reconnoissance, any survey to enable us to say where the road shall run; how high this or that mountain is which has to be passed? I heard an able engineer, no longer ago than last week, say that the great difficulty in this enterprise was the want of water along the route from which to make steam; and he said that unless Ericsson's discovery of caloric, as a motive power, could be brought into requisition, it would be a doubtful proposition to undertake to carry a steam car from the valley of the Mississippi to the Pacific ocean, and surely no one will dispute the wisdom of this remark. That is one of the difficulties that may exist. I do not say that it will exist, because I have heard it said that if you will give an engineer money enough he will go anywhere. Only give him money enough, and he will make all obstacles vanish. But when we, within our sphere of legislative judgment, have the option to say which of four or five routes is the best, are we to be deprived of that privilege? Now, suppose three corps of engineers should be required to survey this route, and come in, and not leave it to conjecture, but demonstrate that there would be water upon one route, and that upon it the road could be built for half the money that it would cost by the other routes, should I not have a right to make a choice? Am I to transfer my legislative judgment upon this subject to the Executive? Am I to avoid the responsibility, and throw upon him a duty with which, in my opinion, the Constitution of the United States never intended to invest him? It is, therefore, I say again, premature, because we have not this survey and the knowledge to guide us.

It is undigested, I undertake to say, to the Senator from Massachusetts, [Mr. DAVIS,] because its provisions are conflicting in many respects, and because it resorts to agencies heretofore unknown to Federal Legislation. I know it has been said there was no more objection to employing a *corporation* to carry out the plans and policy of the Federal Government than there was to carry out the policy of the State governments. If gentlemen of the Republican school have a mind to break down all the old defenses, and say that the Federal Government has the plenitude of sovereignty that the States have, then he is entirely right. But if we act under delegated powers, they are inalienable, according to any doctrine of trust, and we have not the right to transfer them to anybody, but must discharge them ourselves.

Again: I have said that this is an experiment. How do I know that this road can be built? Perhaps it can be: But have I such satisfactory information as would authorize me to go on, and lay out a road in the way prescribed by this bill, when I have an option to choose what may prove a better? If it is demonstrated that I can have a better route, will you deprive me of the opportunity of selecting it? What has taken place here? There have been three bills presented—one by the honorable Senator from California, [Mr. GWIN,] who has delivered a speech upon it, which I do not intend again to compliment. Another bill was proposed by the honorable Senator from Illinois, [Mr. DOUGLAS,] and the one now pending has been reported by the honorable Senator from Texas, [Mr. RUSK.] The second bill is said to be better than the first, and the third better than the second; perhaps a fourth may be introduced to-morrow better than all. But it is said that we are not to wait to have one better than this—that we must avail ourselves of the temptations of opportunity; and if we do not come and make the experiment by a trial of this bill, we can have no measure; that is, in other words, we cannot wait ten months for a great enterprise of this kind. I say ten months, because I suppose until the next meeting of Congress there will be no great difficulty in getting to California overland through the different routes at present in use; and I doubt very much whether

the route by water is not better than any one by land can be. There is no great necessity why this measure should be pressed just at this time. Because it is of such immense magnitude, are we to forego the opportunity of making the ordinary investigations which regulate prudent men in the management of their own concerns? I know, sir, that zeal sometimes has delusions as well as its salutary consequences; but in the zeal which some of these gentlemen have manifested, I am very much disposed to think that they overlook the graver counsels, the surer and wiser dictates of prudence and wisdom. I have a great deal of confidence in the suggestions of time and experience, and I have some tolerable reliance upon the lights of science. But all those are to be disregarded, and an experiment is to be made. I say, therefore, that this measure is premature, undigested, and experimental, and should not be carried out.

Again: What right have we to transfer to the President the power of deciding between the different routes? I live in the State of South Carolina, upon the southern Atlantic sea-board; and though this road may not confer any immediate advantage upon that section of country, I must be permitted to say that I have a great interest in the location of it. The southern Atlantic States have a deep interest to know where its termini shall be, and I want to have a voice upon it when the different plans shall be brought here for decision. I have no idea of parting with that power. I have no idea of giving the President authority to regulate commerce by making a road wherever he may think proper. I am not willing to give to the President the irrevocable power of fixing the route for a great channel of commerce, and a highway for the transportation of passengers, or a military road, as you may think proper to regard it, anywhere upon the Mississippi, from its source to its mouth, to anywhere on the Pacific. This is the greatest margin of Executive power that has ever been allowed upon any paper *projet*. It may be said that he will exercise it well, because he will be President of the United States. I do not say it invidiously; but I must say that the Senate has not been free from the operation of capitalists—not that gentlemen have suffered their ears to be polluted by anything like a direct proposition to sway their judgments; but capitalists have influenced public opinion, and capitalists have made their way to the Legislature of the country, and capitalists have influenced the judgment of the Legislature. The President of the United States, virtuous as I know him to be, cannot see, cannot guard the avenues of capital. Sir, the invasions of capital are irresistible. Capitalists are not going to advertise you that they want you to vote for this or that project in which their interests are involved, for this reason: They are men of talent, and they employ men of talent, and the avenues to the President's judgment on this subject will be thronged by legion. I have seen Executive officers attempt to guard themselves against undue influences in the application of the power of pardon, but they could not do it. And if this measure is carried into effect, you will subject the President to influences to which no one human being ought to be subjected. You subject him to all the fair and to all the sinister influences of talent and of capital; and what is more, you require the President, blindfolded, to take the statement of engineers and scientific men who may be under the influence of capital. Could we guard against it? I do not know that we could; but there is something very wise in the instincts of interest; and perhaps after different propositions shall have been brought before this body, each one of us may elicit something, or make satisfactory explanations, so as to bring the truth to bear. Furthermore, if I were to consult the dictates of prudence on this subject, I would have three separate independent corps of engineers, who should be bound, if possible, by an oath not to confer with each other, but to have separate surveys. And if they should concur, there would be some assurance that the route they recommended would be practicable, and such as would commend itself for adoption; and if they differed, they might give us the reasons for their difference, and we could investigate and decide for ourselves. Therefore, I oppose this measure on the broad ground that I have assumed, and I oppose it upon the still higher ground that it is enlarging Executive power far beyond what I think a vigilant legislature should allow.

I come now to the next objection. What is the agency to be employed to accomplish this great enterprise? Why, we are creating an immense corporation; to which we are to give, at the beginning, forty, or fifty, or sixty millions of dollars. And what then? If the enterprise be prosperous, they enjoy all the profits, restrainable only by this consideration: That Congress retains, by one of provisions of this bill, a potential supervision to this extent, that "Congress may, at all times, 'regulate the tolls to be charged upon passengers 'and freights, so as, with an economical man-'agement of said road, not to reduce the profits of 'said company below eight per cent." According to this provision, Congress cannot reduce the tolls beyond a certain minimum, but may allow them to run up to any amount; and who supposes for a moment that Congress will ever interpose to reduce the profits of this corporation? With a profit of thirty or sixty per cent., and wielding an influence perhaps of hundreds of millions, the company can always fortify itself against Congressional interference. So far from Congress ever interfering, either to forfeit this charter or to curtail the profits under it, if the company goes into successful operation, I make the prediction it will not even refuse to renew the charter when it expires. The company will have all the elements of perpetuity. Its own success will increase the duration of its existence.

I know it is said that we can protect ourselves and produce a forfeiture. As I have already stated, I have not the least idea that we shall resort to forfeiture. The corporation will go on with our money as long as it lasts. The first fifty miles will be finished from Memphis, or somewhere in that neighborhood. The company will get the rich land which lies there. The company is entitled to take land six miles on each side of the road through the States, and twelve miles on each side where it runs through the Territories, making a strip of twenty-four miles through the Territories.

Mr. RUSK. They only get the alternate sections for twelve miles on each side.

Mr. BUTLER. I know that, but as soon as the company get the first section, they will quickly take the other.

Mr. RUSK. That is not the bill, though.

Mr. BUTLER. I was not going to allude to that; but one thing that I wish to allude to is the beautiful phraseology of this bill. It is the most accommodating phraseology that ever I saw used. It allows the company to select land in alternate sections for certain distances on each side, and if that land should be occupied, or should not be fit for the purpose, where do you suppose they are to take it? Adjacent lands? No, sir, not adjacent, nor lands within fifteen or twenty miles, as other companies have been restricted to; not in this State or that State, this Territory or that Territory; but at any point, or at any distance too that may be deemed by the company the nearest, leaving to them to decide the question of distance. In this selection they have a wide margin of choice. They may even go to one hundred, two hundred, or for aught I know, one thousand miles to take up their lands; and I very greatly fear their determination of this matter of distance will depend in no small degree upon the quality and value of the land.

Mr. RUSK. They are to select those lands at the nearest point.

Mr. BUTLER. But five hundred miles may be the nearest point where they can get good land; and you may be sure they will select the best land they can find, and instead of selecting lands that are worth $1 25, they will take lands worth $10 n acre; and if they cannot get land along the line of the road, they may go off into Oregon or California; and I will answer for it, when they come to the nearest point to get it, they will find the nearest point to be just where they can find the richest oases.

The Senator from Illinois, the other day, said this extensive, wild desert was interspersed and enlivened and refreshed by many oases. Perhaps when this route should go into operation, we may have something like another Palmyra—a city of merchants and factors to distribute from these oases the goods which have been carried from different points. But unless we have something of that kind, I say it is impracticable. Still, I may be mistaken—it may be practicable. But is there nothing in a great enterprise of this kind which should induce us to wait until at least we give posterity a chance to exercise some of the rights which we are about to usurp? It is said that we owe it to California. Why, sir, if California continues for ten years to increase as rapidly as she has done within the last two, instead of helping California, we shall have to call upon California to help us. If California goes on multiplying in strength and resources, as I hope she will, she will carry on her commerce as she has done heretofore—by ships—by going across the Isthmus of Panama, or going through this contemplated canal across Tehuantepec, when it is completed.

No, sir. The communications with California are increasing in their facilities. These facilities will be improved, as we have every assurance, by more than one route across the Isthmus of Central America. The competition for these routes is a guarantee that they will be opened, and that, too, in a very short period, making the time of the passage between New York and San Francisco not greater than fifteen or twenty days. And besides, there is another view of this subject. These routes will be open to the enjoyment, and will invite the commerce, of all the world, and thus add to the revenues of this Government; and will possess none of the attributes of a monopoly which belong to a company.

I am not a merchant, and therefore I make the assertion with caution; if I were an underwriter to-morrow, and this road were made now, as by volition, from the valley of the Mississippi to the Pacific, I would much sooner insure goods to go round by water than to cross upon this land route, unless it should be built up with cities, and these rich lands, so much spoken of, should be found for the promising settlements that seem to have excited the imagination of some of the gentlemen who have spoken upon the subject, and whose imagination have imparted an interest to those lands far beyond their real value. All accounts of the engineers who have passed over them, concur in one common statement—that a large proportion of the lands over which this road must pass is a desert, and unfit for the habitation of man. Some portion is said to be an arid, sterile, mountainous range, without water and without grass, resembling more the description of the Dead Sea, than that given to it by the eloquent Senator from Illinois. All the richness they have, I fear, is what they have received from effusions of rhetoric—their poverty is the gift of nature.

This road itself is, thus far, very much indebted for the favor it has received, to zeal and eloquence. They have poured out upon it the first *steam* it has ever received, and I trust the last, until we have received better information as to the choice of routes and general practicability of the whole scheme. Yes, Mr. President, I will repeat, that thus far parliamentary eloquence and conjectural estimates have superseded all other agencies heretofore resorted to, for the laying out and construction of railroads. They have superseded the surveys and maps of engineers. They have made conjecture better than facts; for it has been gravely said, if we wait for a survey the road will never be built, and thus we are required to commit ourselves by way of experiment, as the surest way of involving us in this great enterprise. Are not such questions as these, Mr. President, pertinent? Is there a sufficiency of water, on any of the routes thus far brought to notice, to supply the steam for the propelling power of this road? Some gentlemen have said, that if water would not be found on the surface, it would be found by digging into the earth. Another question: Have we any survey of the height of the mountains? No, sir, we have not. But the broad ground is taken, that with money enough all these difficulties can be overcome. Yes, sir, the Federal Treasury is to supply water, level down mountains, and provide all the other agencies that may be necessary for the construction of this great road. I wish to be understood, that I do not take the ground, that some road may not be practicable, for it has been said, if you will give an engineer money he will go anywhere; and under

the light of science, which is now blazing out from so many sources, I do not know that there are any physical impossibilities in the way of the genius of man. Developments are making that will even supersede water or steam as motive agents. The facilities of communication, from one part of the earth to the other, seem to keep pace with the demands of man.

Here allow me to say one thing in reference to what fell from my honorable friend from Massachusetts [Mr. DAVIS] yesterday, and he said it with a philosophical turn of thought, that I admired at the time. He said that it seems, in the great providence of God, that the facility of communication from one country to another has kept up with the progress of discovery. The ancients thought the Pillars of Hercules the *ultima thule* of the earth; but no sooner was the compass discovered than Columbus found America; and scarcely had America been discovered, when the means of establishing a communication between it and Europe were found. Scarcely had that been effected, when this great power of steam, to which the honorable Senator alluded, came forth, and it may be reserved for another power to carry us over *dry* lands. It may be that the discovery of caloric, as a motive power, is one which will enable us to fulfill that beautiful providence of God, that man shall not be a stranger to man, if he consults the great principles of science and truth. It may be that this motive power will supply the place of steam, and that we can go to the great Pacific ocean by the aid of fuel alone, only requiring water to supply the wants of man. I say it may be so; but when we urge these things with too much rapidity under this doctrine of progress, let me tell gentlemen that there is danger in the temerity of acceleration. You have no right to anticipate for posterity what perhaps posterity may accomplish with the lights before it, when it shall be properly called upon to act, and undertake to say, with an arrogance that may be regarded as somewhat presumptive, that you can do it better than it can do for itself. For myself, I prefer trusting the ordinary method of getting round to California in thirty days by steamship navigation for some time yet to come, than to rush headlong into the field of wild experiment.

And in any point of view, if my vote is to have any influence over the measure, and I am forced to vote for one route or the other, I wish to have some latitude in my choice. I do not wish to be compelled to give a decision upon one route alone. I want light. I want the information of scientific and practical men. With the light at present before me, I am not sure that I would not select several routes in preference to this one. But upon that subject I do not commit myself, and for a very obvious reason, that I may not have the boldness other gentlemen have exhibited of their readiness to leap in the dark. My notions are illustrated by the familiar remark made concerning children: "they should crawl before they walk." This bill reverses that, and assumes that the child can run before it can crawl. It is Young America, out and out.

I have seen in a book of heraldry, ambition, represented by a serpent crawling up a smooth column of dangerous and difficult ascent, the dangers increasing with the progress of the ascent, and with these significant words issuing from its mouth: "*Sat cito si sat tuto.*" This is applicable to more passions than ambition, and inculcates a lesson of wisdom and caution.

There is another provision of this bill to which I wish to draw the attention of the Senate and the country, and that is the eleventh section. It assumes that Congress not only has jurisdiction over the subject of internal improvements, by the specific provisions of any particular law, but an authority to restrict States, and Companies from the right of making railroads, except in subordination to its authority. For fear I may do injustice, I will here insert the section itself:

"SEC. 11. *And be it further enacted*, That Congress may, at any time hereafter, authorize individuals, companies, or States, to form a connection between said railroad and any railroad or railroads under their control, respectively," &c.

This making a State tributary to, or dependant upon a corporation, of Federal creation, is a blow upon the rights of the sovereign States of this Union, to which I shall never give my assent, and in my opinion, that alone is cause enough to seal the fate of this bill.

I have thus intimated some of my objections to the amendment introduced by the honorable Senator from Texas. I may be asked what course I would recommend in relation to this great policy. I am under no responsibility to give any opinion beyond the subject before us, and the specific one on which I might be required to cast my vote. The first question, then, occurs on the amendment offered by the honorable Senator from Pennsylvania, looking to the information to be acquired from a survey and a reconnoissance, before any route shall be selected. I think it competent for Congress to seek this information, and as it seems to be assumed that sooner or later a road must be constructed, I think it, therefore, wise and proper that we should have all the information on the subject. Besides, in another point of view, it may be necessary as one of the means of fulfilling our obligations under the treaty with Mexico, that we should have a military road through the territory lying between Texas and California. Whether that will be necessary or not will depend very much upon the information to be gathered by the survey contemplated in the amendment of the Senator from Pennsylvania. And what may be the kind of such a road must depend upon the same information.

If, in good faith, a road for military purposes, looking to an actual state of war for its employment, I could well justify myself in that view of the subject, to vote for any road to subserve the ends contemplated; and whether a railroad or any other kind of road, would depend more upon the purposes in view than upon anything else. I now speak of a road running through the Territories of the United States; and if such an one should be a highway for passengers or a channel for commerce, there would be no objection to it, because it may be used for more purposes than one. According to the views of the honorable Senator from Illinois, no military road, such as the one proposed in this bill, will ever be necessary in times of peace; and whether I can regard it as a military road, for war, must depend upon information and a conjuncture of affairs which has not yet been presented to my mind.

But the fact cannot be disguised, and ought not to be, that this road is intended to open a commercial communication between California and the Mississippi river. It is a road for the benefit of some of the States of this Confederacy, and by money to be contributed, and by a charter to be conferred, under the Federal Government. It may be that if we have full information, such as might be procured under the amendment of the Senator from Pennsylvania, no such road as the one proposed here would ever be built, or one of a very different character, and liable to fewer objections. This survey might be regarded as no more than an exploration, which is fully warranted by precedents.

Mr. President, I have thus in a cursory manner thrown out my views, both upon the measure itself and many of the topics that have been brought under discussion in connection with it. I have appealed to the spirit of the Constitution of our forefathers. I have referred to the authority of great names. I have intimated the dangers of disregarding the provisions of the written Constitution. I have intimated the necessity of some amendment of it, with a view to accommodate it to the progress of events and the developments of the age. The worst of despotisms would be an irresponsible Democracy, left without restraint to consult the temptations of interest, or to be influenced by the excitement of passion. Some one has quaintly said "that constitutions and laws are deliberately made by the few when sober, to restrain the madness of the many when intoxicated." Republics may become as tyrannical, under an unrestrained majority, as any other form of government can be. Of all despotisms, there is nothing so dangerous as the dominion of an interested majority. It is said of the Roman people, that they felt themselves more disposed to indulge their freedom, because they knew they would be restrained by the veto of their tribunes.

Now, sir, what do I behold? This Government, once simple in its administration, and comparatively confined in its operation, throwing away all the restraints and disregarding all the limitations which gave it a proper direction and confined it within its proper sphere. It is about becoming, in my opinion, a Government of legislative discretion; to become an agency to collect the people's money to be distributed for any purpose that may be effected by the mere appropriation of money; and I fear, in addition, I may say that the President's veto can afford no security, and that his election is to be looked to as a mere prize combat for office. With these convictions on my mind, I want some greater security for the regulation of commerce, under a system of internal improvements, than the fiat of a majority—I fear a tempted majority.

If it were a new question, I would say as much. The great and paramount inducement for the formation of the Federal Constitution was to regulate commerce, by reconciling the hostile and conflicting legislation of the States upon the same subject. The great object was to have uniform rules and regulations applicable to all the States. And even this power thus to be conferred was jealously regarded in the Convention by the representatives of the rural and agricultural interest of the country, and until very nearly the close of the Convention there was a clause in the Constitution requiring a vote of two thirds to pass any measure regulating commerce, and that, too, by declaratory laws merely, and not looking, as the history of the country and the debates of the Convention show, to an appropriation of money for that purpose. The proposition to regulate commerce by digging canals or building roads was made and expressly rejected in the Convention. If the vote of two thirds, looking to the kind of regulation I have referred to, was required at that time, with fewer adversary interests involved, how much more necessary is it now, when preponderating interests have actually taken possession of the Government? They may be subserved, but it will be at a dreadful cost, if the Constitution has to be broken. I tell gentlemen, with deep sincerity, that I am, in reality, a better friend to the Constitution of this country, by opposing enlargements of power, than those who resort to them for temporary purposes. There is no danger so great as that which blinds us to the consequences of the future, and no right has any security unless it has the guarantee of protection.

The last resort which an intelligent people should make is to revolution for the vindication of their rights, and the greatest danger of such a resort will be a disregard of the organic law of existence. When it shall be ascertained that this Confederacy, in the name of its Union, shall have survived the Constitution of its existence, it deserves to perish.

THE HOMESTEAD.

SPEECH OF HON. EBEN NEWTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1853.

Mr. NEWTON said:

Granting portions of the public lands to those who will settle upon and improve it, has been for a considerable time an important question before the public mind, in all the various modes of thought, and discussed under all the various forms that public measures are investigated and public opinion formed, from the expression of individual opinion, the public press, and public bodies, up to the popular vote of the nation, in the character of its Representatives; and through all these various channels a very decided opinion has been formed and expressed in favor of the grant upon some terms and to some extent. No man who is an observer of the past, and thoughtful for the future, can fail to see and feel this fact, and appreciate its force and realize its universality. Individuals are sending up their petitions, the public press is raising its voice, and State Legislatures passing their resolves and instructions, now before our committee; and the public discussions in this body have gone forth over the nation, followed by a strong and decided vote, and that vote very generally approved. Yet the measure sleeps, and gives place to schemes and theories about Cuba, and others equally wild, that never can produce any practical result.

Is it wise to omit and disregard this measure and this popular feeling and public sentiment, visible wherever we cast our eye, turn our thoughts, or try our strength? Is it not wise to provide for and improve our own before we thirst for another's?—strengthen our own stakes upon our own soil before we plant them upon another's?—number and improve our own ranks before we attempt to supervise and invade others?—till and improve our own soil before we trample upon our neighbor's?

The vote given by us upon the bill we passed, is not sufficiently appreciated, or, in the multiplicity of subjects, passed over for an opportune future, that never comes without being crowded with its own cares. Each member in this body is supposed to reflect the views of the district he represents. There is no way the feeling of a nation can be so well known as by a vote we give, and its very decided character justifies me in the decided influence I give it. A proposition upon this subject, coming from the ever-vigilant sentinel who guards his favorite measure, is now before the committee of this House of which I am a member, and it appears to me to be difficult or impossible to give it any other notice than in the manner I now adopt.

The particular manner in which this grant shall be made, to whom, and in what quantity, so as I can secure an actual residence and improvement for five years at least, to me is comparatively unimportant. I would go far in securing and extending the right of preëmption and occupation, by which it might ripen into a perfect title, if improvements can be kept up; for the public lands are fast falling into hands where they will remain unimproved for half a century. But it is difficult to fix the mind of a great nation upon any particular plan in any general practical measure; and as one was, with much labor and very general investigation, agreed upon by us, and no time or opportunity now to present another, I shall apply myself to its provisions; and if it is deficient and inadequate, improvements cannot be made if action cannot be had.

In my estimation, this is the most important measure there is any hope of adopting this session. I wish to express my views while here, though they may do no good, for it may be some satisfaction to the people of the State I in part represent; they will be brief and confined to the subject. If I can be heard, I shall at least be better understood. These remarks will be applicable to various bills to be brought before us for action, in attempting to show the advantage this measure has over others now pending.

I am in favor of granting lands to actual settlers as a public financial measure, and as a private and individual improvement of the condition of the masses.

I propose nor advocate no change in the great laws by which property is acquired and regulated. We are yet a new country, possessing all the main elements of prosperity and perpetuity; a wise and liberal Government, founded upon the great principles of equality and justice; no privileged orders and classes, in which property can be entailed and enjoyed to the exclusion of the masses. Freedom to possess and enjoy is the great principle that animates and stimulates all to acquire and improve. The more general the acquisition of property among the masses, the greater will be the wealth, prosperity, and happiness of a nation. As facilities multiply and accumulate to acquire, acquisitions will increase, and improvements open new avenues of commerce and business, and greatly augment the general wealth of the nation and improvement of the people.

Our lands were acquired by the common struggles and effort of all, and of course are the common property of all. No one section or district can say to another, "We contributed most and have received least, and therefore claim a greater share;" for the laws that regulate it and us are so general and broad, that what one does or receives is the act of all, and for the benefit of all, and goes to augment the general fund—the property of all.

Our Government is one of the masses—made by them and for them. Property and honors are alike open and free for all to acquire and enjoy. It was not the design or object that it should amass and perpetuate wealth.

Wealth in the hands of the Government, as such, is corrupting in its influences and tendencies.

Our public land, through its whole history, has been a source of speculation and peculation. It has been a standing political hobby to ride into and out of power. Theories and schemes for its disposal and distribution have been leading articles in the creeds of political parties for the last twenty years. It has been the most fruitful source of political bargaining of any in the Government.

These influences and results having reached the ear and understanding of the great body of the people, they have cast about for some scheme by which to use the fund for the greatest advantage for the greatest number, and remove the temptation to evil. Our constant legislation upon this subject has kept the public mind awake and thoughtful, and in a condition to form correct conclusions as to the best mode of disposition.

Another great fact that has had its influence in this process of maturation is, that property has a natural tendency to fall into the hands of the wealthy, influential, and sagacious, and to leave the other extreme destitute and dependent. Any one who will look to the history of older nations, and observe the great extremes of wealth and poverty, can but see this truth.

The improvement of the condition of the masses in any country is the strongest tower of strength any people can possess, and it is *that* which there is the strongest tendency to neglect. The creation of wise laws that hold out strong inducements and facilities to the people to acquire a permanent home, should be the study of every American lawmaker.

To improve and elevate the condition of the unfortunate, the ignorant, improvident, and vicious, without uprooting any general laws, is a most worthy, politic, and laudable object with any legislator.

By our unprecedented growth and advance, our lands have been increasing over and above all our various modes of conveyance, and objects of bounty to the amount of nearly fifteen hundred millions of acres, extending to new, uncultivated, and uninhabited regions, to which our inhabitants are turning their attention. Here oceans, rivers, and lakes are to be improved and made subservient to the wants and interests of man. Civilization is to be extended by preparing the earth to yield her treasures in the great work. Any law that will incite and induce the settler to these lands, and to occupy and cultivate them permanently, or for a given number of years, will add greatly to the wealth and improvement of any country. All the statistics connected with their acquisition and transfer have been given by others upon this floor who have preceded me, and need not be repeated.

Two great facts will be admitted by all, for they cannot be denied. The one is, that it is desirable and advantageous to the country and the Government that our wild lands be more rapidly and extensively settled than they have heretofore been. The other is, that there is a surplus population in all our large cities that are not profitably employed for themselves and the country. Any great national measure that is calculated to produce the first, and at the same time remove the existence of a vast amount of wretchedness and misery attendant upon the existence of the other, has for its support policy and wisdom.

In all our new States and Territories, much remains to be done, and in many all is yet to be accomplished. The hand of the painter is but just thrown over them, and their undeveloped resources and future greatness but barely sketched. All the great bodies of water that surround and connect them together, now inaccessible or highly dangerous even to the most skillful navigator, much more so to the pioneer enterprise of a new country, must be improved.

The heads of your principal rivers are now the sepulchres of your dead, whose enterprise drove them upon their wild and unimproved elements, whose banks are strewed with the wrecks of their bold and daring adventures.

Roads are to be made, that link and bind together a great and enterprising nation. Churches, schools, court-houses, and all the details of civil life, are to be supplied. And how is this to be done? Is it to be by the nation in its aggregate capacity, by the slow and tardy process of holding up your public lands at a high price, and consequently holding on to them; or by means of citizens scattered over our territories, invited from the cities and scenes of vice and degradation, by wise and liberal laws to engage in this great and common enterprise?

If our lands thirty years ago were worth $1 25 per acre, every seventeen years this sum is doubled.

Every settler over the nation that takes possession of wild and uncultivated land, and subdues and brings it into cultivation, adds to the aggregate amount of the wealth of the nation; and as the number increases, in that proportion is the wealth augmented, and the means furnished to produce the results to which I have referred.

Our large bodies of lands that have been in market from ten to sixty years are not one third sold, and will not be, even by this bill, for the next thirty years; for there are but few among the many who will comply with its provisions and occupy until a title can be given. It is no ordinary undertaking to go and settle in a new country, with or without a family, and be compelled to remain and improve it for five years before a title can be given, and particularly for an American. No one will do it that is not composed of good materials to make a good citizen. Look at our scheme of giving a large quantity of land to those who would go and settle in Oregon, and see how few have gone. Scrutinize the policy of giving land to soldiers without requiring a settlement, and unqualified freedom to sell, and see where the land will be in ten years. I predict, and it requires no prophet to foretell, that it will be piled up in the hands of wealthy men and families and companies, and unimproved for a quarter of a century.

Land warrants, under the present laws, are articles of merchandise that are sold and hawked in the market as common chattels, at less than a dollar an acre; and what farmer will go in the old-fashioned way, with his money in hand, and enter Government land at $1 25, and settle on it, unless there is some way devised to counteract the prevailing policy? The truth is, the Government, by its laws and habits, has made it necessary to pass this law to counteract the influence and effects of laws already passed, in order to settle and improve the lands.

Review the policy of donating the lands to public institutions and incorporated companies, and reflect upon the effect it will have upon the settlement where the land is selected. From the course of business the owners necessarily lie by, while the settler improves and increases the value of their location. The actual settler will shun these localities because large bodies of the land are not in market.

The nation under the bill introduces an agricultural apprenticeship, and holds out strong inducements to the apprentice for stability, industry, and enterprise, that in five years may change the whole character and habits from a state of dependence and want, to one of independence and comfort.

Every settler has his influence to a greater or less extent, by his relationships and acquaintances, and he cannot fail to bring more or less with him or to him. Settlers invite wealth and capital, and from it improvements, public and private, spring up. Capital follows the settler with as much certainty as day succeeds night, and with the same certainty it is invested, when the occupant opens the light that discovers his pathway. Nature has covered our forests with the richest fertility now occupied with her productions, but she yields it all with gratitude to the call of man. She has filled the bowels of earth with the richest minerals, and all that is required to bring all to light and use, is to be preceded by the hardy axman and the skillful miner. You look over our new country from your halls of legislation, and behold the extensive forests and innumerable wants and privations, and barter and chaffer with each other as to priority of claims for bounty and protection; and we step in and offer you five hundred thousand hardy young men, inured to labor and fond of it, with ax and spade and pick, to mark and open the way for your railroads and other great thoroughfares, and will soon furnish means to build them. Which will the Government choose as the most efficient agent?

We have a more extensive and unprotected and

unimproved border coast than any other nation, accessible to any and all enemies and rivals, however weak they may be. And it is against the prevailing policy of the Government to improve it directly. How shall it be done? The strongest and most potent agent is the settlement of the surrounding country, by owners of the soil, who would engage in the work.

Our new States and Territories stand to the General Government as colonies, the older members having become rich by improvement and patronage, with a surplus population, many of whom are anxious to embrace the provisions of this bill.

I believe, with this law, more land will be sold and money paid in ten years than would be without it. This idea I know will be regarded by some as Utopian, but of its correctness I have no doubt. Many who enter upon the land with a view of acquiring it, will be impatient of delay and to add to its value will pay the money and sell, and buy again. The sagacious capitalist, ever ready as by intuition for a good bargain, seeing the advantages the settlement has added to that which remains, will invest his money, and that, too, extensively.

The neighbors of the settler will follow his trail to his hut and buy in the neighborhood. The country will be more extensively explored, and favorable situations hunted up and bought, and others occupied under the law, and by the labor bestowed, the land enhanced in value, and afterwards abandoned before five years, and the improvements bestowed furnish new inducement to buy and invest money. Americans are restless and impatient and are constantly going and coming from place to place.

Every settler who goes to a new country, explores it, and discovers its resources and learns its wants to a greater or less extent, and the information he obtains is communicated, and from it, new enterprises are undertaken and extended.

No man by a course of reasoning and argument can demonstrate the extent and influence of any given improvement. When once it begins, it begets sympathy and influence and effects, and it widens and deepens and overreaches all our calculations, if it can be kept up.

All who are thrifty and prosperous are not very ready to perceive a reason why all men are not so, and impute some fault. But we must take men as they are, and furnish the materials if we have it, to make them what we would wish. Our country is unbounded in extent and resources, but we cannot use it and realize its value without men upon it; and in its rude state we cannot furnish them without some strong inducement. We are indebted for our high position and present prosperity to the reward we give to mental and physical labor. Our halls of legislation, professional skill, mechanic arts and agricultural products, all testify to and establish the fact.

Our proudest statue, that is to be a model for the world, was conceived by an untutored mind, forged in a hovel, and built by faith and reared for admiring thousands. The brightest gems are made from the rudest materials; the most exalted intellects are often culled from the neglected, and pointed to the road that is open and unoccupied, to the summit. Occupation is education, and education is capital. To multiply capital we must multiply occupants and occupation.

Under this bill, there is one condition precedent to a title being given, that is a powerful engine of improvement. This is the five years' occupation. Under it, the tenant or apprentice has a strong interest to improve, for at the end of the term a title is conferred with all the improvements made. It cannot be affected by any contingency, not even death, for that is provided for, and the title conferred upon him who represents the tenant by blood or affinity.

As this bill is, the alternate section cannot be selected, and it will soon be an object for some purchaser. Felling the timber in a new country is a most efficient agent to invite the investment of capital in its vicinity. Its agency is various and general. It robs the gallows and jails, diminishes poor rates, multiplies agents of defense and protection. It erects buildings, builds roads, and opens communication with surrounding inhabitants.

As the land now is, it is a source of speculation. Instead of multiplying farmers, it multiplies speculation.

As this bill is, you propose to change the fashion from speculation to occupation. Instead of holding the warrants as a basis for bartering and gaining, you hold the ax and hoe, by which to domicil and feed and clothe yourself and family; from being alone a consumer, you become a producer.

Those who have money invested in wild land, instead of fearing this bill, should be its advocates, for it certainly tends to increase their investment by improving and occupying that which surrounds theirs.

By the sale and appropriations of the products of your neighbor, the chance of selling your own is increased.

Those who oppose this bill because it appropriates all the land, are greatly mistaken, in my apprehension. By it but a small quantity will be taken; how much and in what localities, no one can tell. But from the difficulties and embarrassments that attend the settlement of all new countries, no one can *rationally* infer that it will be great enough to make it dangerous to any of our relations, or interfere with the prosperity of any localities.

The settlement of any of our new States or Territories for farming purposes has in no instance injuriously affected the old States. It has rather quickened and brightened the energies of the old to improve and keep pace with the new.

It is now very common to emigrate from new States to old. In new States property is heavily taxed to make the improvements that old ones have. In old States, new improvements spring up that give them the freshness of youth, and furnish additional employment for hands over new States. They have the advantage of roads, markets, schools, and other improvements, over new States.

Many of the older States have permitted their land to run down and become very cheap. This should never be. Land was not made to wear out, like man. It remains as the last thing to be destroyed. It is populated and depopulated from age to age, and if unabused, remains the same. These lands now furnish instances more favorable than any others for the enterprising farmer, for the culture of sheep and growth of wool, and will soon be sought after for this and other purposes. Manufacturing in the old States will, from policy and necessity, soon be much increased. They have nothing to fear from this bill.

This bill is opposed, because it is an unconditional gift. It is not so. It is a grant upon condition you occupy five years, and, as an incident, improve the country.

But the opponents say the Government will relinquish the occupation, and oppose it upon that supposition. The occupation is the vitals of the bill. Dispense with them, and it is subject to all your objections; with it, to none.

In this provision is the consideration to the Government, and the advantage it has over all other schemes, as a financial measure.

Every additional freeholder the nation has is an additional pledge and safeguard of its stability and perpetuity. The stability of the property adds to the stability of character. Each freeholder has something to guard and protect and improve. Nine tenths of the mobs in our country are composed of those who are not freeholders. Make land-owners, and you make towers of law and order. Multiply freeholders, and you increase virtue and sobriety, and decrease vice and debauchery. Increase freeholders, and you diminish your bills of mortality. Increase your freeholders, and you increase the strongest basis of wealth the nation has.

But the Government are the gainers in other respects—by the amount of improved lands added to that now occupied, and also the products drawn from it. Suppose, in five years, one hundred thousand take possession under this law, and each one each year subdues and tills two additional acres, and raises from each acre three dollars in value, how much would this amount to annually? But the incidental and relative value they throw around them is greater than the direct and immediate product. All this is in addition to what would have been produced without this process. Again: new settlers soon present themselves and their property in a situation to help bear the burdens and expenses of the Government, by paying taxes and contributions.

That the bill is a private and individual advantage, seems to be admitted. If it is a public benefit, it is also a private; for the interests of the public and of individuals are so intimately connected they cannot be separated. Improve the one and you improve the other.

It is said by the opponents of the bill, "No one will embrace its offer that is not able to buy and pay for the land." I know it is difficult for a thrifty man to see a good reason why a poor one cannot earn and save enough to pay a five dollar debt; but the fact is so. You place before him a motive; find a plan for him; encourage him, and he can pay a hundred easier than he could the five while no object stimulated him. It is said, the bill will have no influence upon the population of cities. I think differently. Many who have been unfortunate in business, and those out of employment, will embrace it. They may not all hold out and perfect a title. The attention of our whole population will be turned to it. It will be talked of and discussed; and the location of the lands, the geography of the country, its capacity, her products, and facilities for commerce will all be more studied and generally understood. Our mountains are filled with the richest minerals, as various and multifarious as the wants and capacities of man; their rocks are fertilizers; at their base flow majestic rivers upon which to manufacture and transport their treasures. Our valleys are covered with most luxuriant vegetable growth, enriching themselves annually from age to age with their own resources and surrounding deposits, and preparing for the hand and mind of man. All that is wanting to bring all into use, is to be sought and found, understood and appreciated.

RAILROAD TO THE PACIFIC.

SPEECH OF HON. JAMES COOPER,

OF PENNSYLVANIA,

IN THE SENATE, *February* 18, 1853.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the protection of the emigrant route and a telegraphic line, and for an overland mail between the Missouri river and the settlements in California and Oregon.

Mr. COOPER said:

Mr. PRESIDENT: I do not rise for the purpose of continuing the debate on the subject of the bill which is now pending before the Senate, at any great length; nor do I design to follow the honorable Senators who have advocated the bill, through the long labyrinth of questions of a character entirely foreign to the objects of the bill, which they have raised and discussed before the Senate. I will not follow the honorable Senator from Tennessee, [Mr. BELL,] in his inquiry whether peace or war be probable in Europe, or whether, in the event of a war, the United States is likely to be involved in it. I will not inquire whether Cuba, in a military point of view, is an important acquisition for the United States, and necessary to its safety. Nor will I indulge in vaticinations of what the present generation is to see in the character of the improvements of the country. I do not know, sir, how many roads will span the continent from ocean to ocean at the end of the existing generation. Nor is it pertinent to the issue that is now pending before the Senate, whether one or more shall follow this one which is now in contemplation. Nor will I pursue the traces of my honorable friend from Connecticut, [Mr. SMITH,] and inquire whether it would be competent for England or any belligerent Power, with a single privateer to lay San Francisco under contribution and conquer from us our Pacific possessions. Nor will I indulge, sir, in *ante facto* encomiums upon the incoming President. I shall rather trust to my acts than to my words, to show that my course of conduct towards his Administration, when he comes to be installed into power, will not be a factious one. Sir, I regard it as unsafe, altogether unsafe, to venture upon any great laudations of any officer in advance. Sir, even when they are indulged in, in the case of friends on whom we have bestowed the most extravagant encomiums for their wisdom and patriotism, we

are oftentimes disappointed. We ought, therefore, to fear somewhat to indulge in such encomiums as these upon those who have not heretofore merited by their conduct, very extensively, our approbation. But these are foreign questions, and I shall not pursue them.

Mr. President, I stated in the casual remarks which I had occasion to make some days ago on this subject, that my opposition to this measure was not founded in hostility to a road between the Atlantic and Pacific sides of the continent. I avowed then, and avowed in a spirit of sincerity and candor, my approval of some great line of intercommunication of this kind; and my objections to this measure were founded upon the fact that it was to be commenced without a preliminary survey and reconnoissances, and because if it were completed, the company would possess powers that would make it inconvenient to the operations of the Government, if not eventually dangerous. Now, sir, I have other objections, which I will state in the course of the brief remarks which I propose to submit.

We were told by the honorable Senator from Massachusetts, [Mr. DAVIS,] in the remarks which he made some days since, that if the opponents of this bill had examined it with care and a proper degree of candor, (that was the word,) they would have found that the reconnoissances were already provided for by the bill; and the Senator proceeded, by inference, to show that such reconnoissances were provided for. Yesterday, in the course of the debate which took place, another advocate of the bill, [Mr. SMITH,] more ardent, more enthusiastic, if we may judge from his manner on the occasion, admitted that there was no provision of that kind; and he justified his position, upon what ground do you think? Why, that the reconnoissances and survey would require more time than to make the road itself. That was the position which the Senator from Connecticut took. One gentleman tells you the bill provides for reconnoissances and surveys, and another tells you it would be foolish to make them, because it would take as much or more time to make the reconnoissances and surveys than to build the road. That was somewhat extravagant; and allow me, who generally follow that Senator almost blindly in whatever course, political or otherwise, he chooses to pursue, to doubt in this case whether his usual sagacity, if not to say his usual candor, was not wanting. I am, then, having no one to follow, obliged to grope along and find my way by my own miserable rush-lights.

Mr. President, is it no objection to such an enterprise as this, that preliminary reconnoissances and surveys have not been made? We are told by Senators who are the advocates of this bill on all sides, that this in unnecessary. We are told that Captain Sitgreaves, Major Emery, and Professor Bartlett, have traversed these wastes between the western limits of what was formerly the United States and California, at various times, and that they have pronounced opinions favorable to the practicability of such a route as this. The honorable Senator from Tennessee told us that hunters and trappers had penetrated these wild wilderness wastes, and that they too had expressed opinions favorable to the practicability of a route between the waters of the Atlantic and those of the Pacific. Are not these opinions, expressed by men under circumstances such as these under which those men expressed them, rather unsafe to act upon when a measure of such immense magnitude—"magnificence," as the Senator from Connecticut said yesterday—is in contemplation? Why, sir, in your State and in mine, [Mr. MANGUM in the chair,] although every foot of the ground within their limits has been traversed, and has been known for almost a century, who would undertake to make a road from the Atlantic waters upon your coast to your western border without a preliminary survey? Would it be enough that you, in your carriage, or upon horseback, had traversed for the last forty years the country between the remote points? No, sir; it would hardly be deemed sufficient by wise and prudent men to induce them to embark in so great an enterprise; one, however, comparatively insignificant when compared with this.

In my own State, from Philadelphia, on the Delaware, to Pittsburg, on the Monongahela, every foot of ground has been known for a century, for it is about a century ago since Washington first traversed it on his expedition to Fort Duquesne. Every foot of that ground is known and has been traversed thousands and tens of thousands of times, and every hill and every valley between those two points were filled with an intelligent population at the time that the great system of internal improvements in that State was commenced. But we did not embark in it without a reconnoissance and survey, without having every foot of it leveled, and the practicability of the work demonstrated. We knew that it was practicable. We knew that money, if plenty of it were expended, would conquer the intervening obstacles between the Delaware and the Monongahela, and although we embarked in it hastily and improvidently, as after facts demonstrated, yet we did not think it safe to begin until surveys and resurveys had not only demonstrated its practicability, but its practicability at no unreasonable or extravagant cost.

Now, if this be so in States almost every acre of which has its inhabitants; if it is necessary where every foot of ground is known, where the condition of the climate and the obstacles which nature has interposed with almost absolute certainty, that reconnoissances and surveys should be made, how much more so, when you have to traverse a continent in which the foot of civilization has not permanently fixed itself? It is true that many have crossed the continent with wagons, on horseback, and on foot, and they are satisfied that it is possible to get from the Atlantic borders to the Pacific; but, sir, when you embark in an enterprise which is to cost millions of dollars, when you propose an expenditure in land and in money, of forty or fifty millions of dollars, ought you not to know first if the route is practicable without unreasonable and extravagant delay? In the second place, ought you not to ascertain whether it is practicable to furnish the motive power which will be necessary, and fuel in order to keep it in motion? All these things require not only to be ascertained to be possible, but to be practicable, and within reasonable limits of practicability. Sir, it is not enough that the trapper or hunter, with his traps or his rifle, has penetrated from one ocean to the other. It is not enough that Lewis and Clarke, and their successors in adventure, have followed the meanderings of the mountain valleys from one coast to the other. They must show us how, where, at what cost this great work can be done before I shall be willing to embark in it. Is it not necessary, sir, that we should know something of the grades, how much elevation is to be overcome, and how it can be overcome? Is it not necessary to know with some accuracy the distance? Perhaps that may not be so necessary. If any of these things be unnecessary, that perhaps would be because distance is but a simple thing.

We have been told by travelers, and it remains uncontradicted to the present hour, except the speech of my honorable friend from Illinois [Mr. DOUGLAS] may be considered a contradiction of it, that there are wastes extending hundreds of miles in which there is not a stick of timber, scarcely a blade of grass, or a drop of water. From what we know of the ability to propel locomotive engines at this day, I would ask how are cars and great railroad trains to be carried over such wastes as those? Sir, I doubt exceedingly, if fuel be not found in greater abundance than it is believed to be in those wastes, that a railroad will be found to be practicable on that account. If coal shall be found of a quality such as would be proper for consumption in the propelling of the machinery necessary for this purposes, that obstacle would be removed; but at present we do not know whether there is coal, or whether it is to be found in quantities sufficient for that purpose. Now, is it not the part of wisdom that exploratory surveys should be made for these purposes; that geologists should be sent to examine the country, and to ascertain whether those wastes indicate the presence of this kind of fuel? for if nature has not provided for traversing those wastes in this way, by beds of fuel being found in them, in no other way has she done it, for wood, which is used in many places for that purpose, is not to be found there.

I think that I have now demonstrated, by simply stating the difficulties, that there is some necessity at least for preliminary explorations of the country between the western limits of Missouri, or Texas, and the Pacific coast.

My honorable friend from Illinois [Mr. DOUGLAS] said that these wastes were not much better in the quality of their land than the State of Georgia, and that they would not yield much more corn or many more potatoes to the acre perhaps than the soil of Georgia. That was jocular, of course. The Senator did not intend to assert that these wild wastes, which produce no blade of grass, through which no stream of water passes, are equal to that fertile State, or are capable at all of supporting human life. That was not his object. It was a jocular expression of his, intended to meet statements perhaps equally extravagant. I may be permitted to say, on the other side, that is one of the reasons why I object to this road.

We are told that it is practicable—that we know it to be practicable. I do not deny that it is practicable to make a road, and to make a road at grades that can be traversed, between the two points. But that is not enough. We are to look to those other conditions to which I have just now referred; that is, the practicability of supplying fuel, not merely for ten years, or for a century, but for all that indefinite time in the future, during which this great Republic is to live, continually expanding until in the folds of progress the whole world shall have been embraced. Are we assured of the existence of those conditions that should be precedently understood? No, sir, we are not.

We ought to know something of the probable cost of this enterprise. We are told that the bill fixes the limits that the Government is to extend; that those limits are embraced in the $20,000,000 which are to be given to the company for the construction of the road, and in the twelve miles of land on either side in alternate sections extending from the east to the west. The bill, we are told, fixes that amount, and it cannot go beyond it. I know it does fix it, but there is no security that you will even stop at the end of that expenditure. Far less extensive enterprises than this have been undertaken; an entering wedge in the shape of an appropriation to begin the work has been given, and Congress has been induced afterwards to spend millions before the work was completed. We have had some experience in our steam lines. We commenced by giving those lines of intercommunication between the Old World and the New *bonuses*, sums of money to enable them to start their great enterprises; and presently, when the appropriation failed, they come here, appealing to our patriotism and our pride of character as a nation, and they have induced us to double the appropriations and continue them from year to year. They forced themselves upon us as beneficiaries, and they will remain our beneficiaries as long as they possess the power of appealing to the sentiment of pride which inhabits the bosom of every American; and while they can bring outside influences to bear upon the two branches of the National Legislature, such as are within the command of these companies. You, sir, have seen it, and I have seen it. You have felt it, and I have felt it. I do not mean that influence has been exerted upon us, but we have felt it in the atmosphere, and we knew it was useless to resist it. Stimulated by what I believe exists as strongly in your—and if I were not a modest man, I would say, to some extent in my own—bosom, patriotism, and a disposition to see our own marine eclipsing in speed and all the essentials of maritime excellence, that of Great Britain, we have voted thousands upon thousands, and hundreds of thousands, to keep up that supereminence of our marine. Give this corporation $20,000,000, give it fifteen million acres of land in alternate sections from the Atlantic to the Pacific, or from the starting point to the Pacific, and with what kind of an influence will you have clothed it at once? I shall be told directly that it is not a corporation. I do not care whether it is in terms clothed with corporate powers or not. To all intents and purposes it is a corporation, and one with the most fearful powers that has ever existed in the world, or which ever was about to exist. It does not exist yet, and I hope in God it will not. I say, sir, that clothe this company with the power and influence which it will derive from commencing this work, and the expenditure of a portion of these funds, and see where you will be

as to ability to resist further applications. Helpless, absolutely helpless; tied hand and foot, and driven perforce to all such expenditures as may be necessary to the completion of the road. This temptation, as my friend from Connecticut called it—and it was an admirable word—in the shape of $20,000,000 in money, and $20,000,000 in land, with the profits in the distance, will glitter in their eyes, and great companies will be congregated for the purpose of carrying out this vast project. All portions of the country will rival each other in endeavoring to reap the advantages of this magnificent temptation which is held out. And, sir, when Maine and Florida—when Pennsylvania and the other sea-board States unite with the far West, through those who will embark in this enterprise, in pressing Congress to make new appropriations, do you think Congress will have the power to stop it? No, sir.

I say, then, that there is no certain limit to the expenditure in this bill. There is no knowing, according to it, what expenditure Congress may not be called upon to make. Then, when it is probable that in the end all will be shouldered upon us, ought we not to know in advance, from a preliminary survey, what is the probable amount which we shall be finally compelled to pay? It seems to me that statesmanship, the commonest wisdom that actuates individuals even in relation to their domestic economy, should induce us to look at least for information to satisfy us upon this point. I do not know what others think, but I know that is my impression.

I have stated that there has been no corporation in any country which would possess such powers as these under this bill. Gentlemen have told us not to deal in round assertions, and I will try to deal as little as possible in them. I said in the course of the remarks which I formerly submitted—and they were exceedingly brief—that Fox's East India Company did not possess powers and influence so enormous as would be conferred by this vast amount of money and appropriation of lands upon this company. I was somewhat called to task about my historical knowledge on that point. The Senator from Massachusetts [Mr. DAVIS] told me there was no similitude between the one and the other—between that corporation and this. I did not say they were alike. I should have been a fool to have said so. Their objects were entirely different; they were not at all the same; nor did I say that they were the same. I only spoke of the character of the powers, and said that the powers here given were greater, and that the influence which the company would be able to exert would be greater than that company, under the provisions of Fox's bill, would have been able to exert. The gentleman himself, or from the promptings, I believe, of a gentleman who sat by him at the time, said that Fox's bill gave to the East India Company the power to make war and conclude peace. Sir, the Senator was entirely mistaken; Fox's bill did no such thing. Long before Fox's bill was thought of war had been made by the company, and it had conquered provinces extending from Cape Comorin to the Himalaya mountains—an extent of territory larger than all the British possessions elsewhere in the world up to that moment. Originally the East India Company was a mere company of traders; but powers were conferred upon it from time to time, and it made war, conquered provinces, and when it was called to an account for it by Parliament—and that was why I produced this measure for the purpose of comparison—it had power and influence enough in the country to scout at the objections which had been made to the policy which it had pursued. Warren Hastings was impeached, as you, sir, very well know, for his conduct; and although he had violated all the laws of his country and humanity, the company had influence enough to screen him from punishment. I believe he deserved well of England in many respects, and I never found fault with the British House of Lords for their decision in that case. I was only referring to the great powers that such great companies possess. It was with this view that I referred to Fox's East India bill. The East India Company had extravagant powers conferred upon it by the act of 1773. It has gone on under those powers making war, until finally it has become clothed—or, if not the company, those who are under the control of the company, and who have managed in India all the concerns of the British Government—with power to make war at their pleasure, always dictated by the company, and also to establish the terms of peace. That is what I alluded to.

These were my principal objections: first, that a preparatory survey ought to be made; in the second place, that the powers conferred upon this company were of a character to induce apprehension in the eyes of those who have looked to history to see how such power has been exercised and abused. We have been asked to point out how a power of this kind could be abused. Sir, it would be very hard to point to the specific measures that a corporation might pursue; that would be very difficult, but it is not difficult to see that, having such a power as this, it would exercise it, as all companies founded upon pecuniary considerations do. Is it not natural, that possessing power to coerce the Government into such measures as would be necessary for the increase of its grandeur, its wealth, and its dignity, it should exercise it? All other companies that have existed in the world have done so.

Sir, our friends on the other side of the Chamber used to be terrified by a monster which had its den in my own good State—the bank of the United States—and they supposed that with its capital of $35,000,000 it had it in its power to break down and trample under foot the liberties of the country. Have men grown better than they formerly were? Are there any indications in the moral world that men would now be less likely to abuse great power conferred upon them than they would ten, fifteen, or twenty years ago? No, sir; I see no signs abroad, in the political or moral heavens, that indicate a change for the better in that respect. Sir, are the powers that are conferred here of a character which would be likely to permit of an unwholesome exercise, such as in the case of a bank? In my judgment they permit of greater abuse. I have seen, in a neighboring State, the influence of these railroad corporations. There are two or three railroads, not, perhaps, more than four hundred or five hundred miles in extent, and yet they control, politically, socially, and morally, the whole population of that State. They make and they unmake at pleasure. And let a railroad of this kind be built across the continent; let the company have at its command the transportation of the commodities of the whole eastern world, as you are told it will—supposing that fuel and everything else can be found in sufficient abundance to make the communication between the East and the West in this way practicable and easy—and what kind of powers will it possess? Unexampled in the history of the world. I repeat, I cannot particularize in what way it might affect the public interests; how it might eventually be used to the danger of the public liberties. There are things in the future which wisdom cannot foresee. It is not necessary that I should particularize, that I should, in short, do that which is impossible to be done; but it is enough to repeat, that possessing such powers as it will possess, and such vast pecuniary resources, it will use them as other corporations have used theirs, and it will abuse them as other corporations have abused them. There is nothing more certain than this.

But let us look at the question in another aspect; and in this view there is a strong objection in my mind. Let the eastern terminus of this road be Texas; let it commence in Texas, and be made across Texas. Let the other end commence, as the bill requires it shall commence, in California. Let it run eastward across California. You have then a road made through these two States, at the expense of the General Government. Sir, is that to be doubted? What good would the forfeiture be? You are told that if the road be not completed there will be a forfeiture; yet there is nothing in the bill providing for the way or the means in which this forfeiture is to be brought about. But, sir, forfeiture or no forfeiture, the road would be there, and the States through which it passed would have the advantage of this great outlay of money. Now, I call the attention of my southern friends, those gentlemen who are strict in their construction of the Constitution, to this. I do not think, I must say in all candor, that it forms a constitutional objection; but it certainly does give to those States advantages which the other States cannot enjoy. By the provisions of the bill, as you are aware, you are to commence the road at each end; and when fifty miles are completed, so much money and so much land are to be delivered over to those who have built it. We may very well suppose that they will proceed at any rate until the money and the land, or the principal part of the money and the land is exhausted; and by that time they will have finished the road through Texas, and finished it through California. Thus those two States will have this magnificent boon accorded to them at the expense of the other States, and without the slightest benefit to any of them. Now, sir, that, if not unconstitutional, is unequal and unjust, and I trust that Senators all around me will see it in that point of view. This, sir, is the third objection to the bill in my mind.

Sir, I shall not detain the Senate much longer; and I will only advert now to some of the arguments used by the various Senators who are advocates of the bill.

The Senator from Tennessee [Mr. BELL] tells us that there can be no difficulty about this road at all—that there are some twenty-five passes, through each of which a road might be constructed. If there be so many, we ought certainly to select the best. We ought to send out companies for the purposes of exploration, and to ascertain which of those twenty-five passes is the best. That I think would be the part of wisdom and judicious statesmanship; certainly we ought not to go blindfold into a work of such immense magnitude as this. My honorable friend from Connecticut [Mr. SMITH] told us yesterday that he did not apprehend there was any difficulty from the snows—that he had learned that on the route between this and California, the snows were not much deeper, and the winter not much longer than in corresponding latitudes in the States. That is true, to a very considerable extent; but in the gorges of those mountains through which the road must pass, in all the northern latitudes, there will be found in those snows an insurmountable barrier during six or seven months of the year. I have it from authority not to be questioned at all, that very often, during the winter and spring months, the snows are found in those gorges and valleys between the mountains, to a depth of fifty or sixty feet, and lie to a very great depth until the latter end of May or June. That is not true of the southern latitudes; and in all probability this road will take a southern route. I will state here that I do not care a fig which way the road goes, or rather from what point it starts, north or south. It is entirely immaterial to me. I only desire that the best route shall be selected, and that over that route, if found practicable, and to contain all the conditions necessary to the safety of such an enterprise, in advance, a road shall be constructed.

Now, Mr. President, I think the arguments made use of against my colleague's amendment are not just, and that they condemn themselves. Yesterday, we were told by the Senator from Connecticut, that a hundred thousand dollars was nothing like sufficient for the purpose—that even a million of dollars would not be sufficient for this reconnoissance, and that it would take as long to make the reconnoissance as to make the road. It seems to me that that is no good argument against my colleague's amendment. If $100,000 be not sufficient, amend it and make it sufficient by increasing the sum.

We have been asked over and over again, if we were afraid to intrust the incoming President with the selection of the route? No, sir, I am not. I was not a supporter of that gentleman for the distinguished seat which he is soon to fill, but, sir, I never doubted his integrity; and thank God, I never, without doubting, assail the integrity of anybody. I believe his integrity would be sufficient for this, and I trust, for all the exigencies of the public service which he will be called upon to perform. But, sir, he has other duties than those of a surveyor. He has his Executive functions, which will require all his time and all his attention. And, sir, how is he to judge? Is he to traverse those inhospitable wastes which exist between the States of the Mississippi valley and the Pacific ocean? It must be done through the medium of engineers sent out for the purpose.

He cannot guess at it. He would not do it if he could. No, sir. I have confidence in him, if it were a duty pertinent to his position, and if he had information to enable him to act judiciously on the subject; but he has not. The mere books of travels, of which we have published so many in this body, form very poor *criteria* for the commencement of such a work as this. To acquire the information necessary to the commencement of such a work as this, he must have something more certain than these books, by which he will be enabled to judge as to which route to select. We are told that he must indicate the points in the mountains. All require the same kind of examination and exploration precedently by engineers, whether you begin at El Paso, or further north. It would not be very convenient to change, if it should be found out afterwards to be wrong. You ought, as is the case in every wisely-managed enterprise of the kind, to have a complete survey from one point to the other before commencing the work. Then, sir, if any incidental advantages which due experience furnishes during the progress of the work occurred, they can be made use of. But, sir, it cannot be that a work of this magnitude is to be commenced in this way in the dark.

I agree in many of the suggestions which have been made as to the value of this great enterprise of the Pacific railroad. I think it will be one of the most magnificent that human genius and human skill have carried out and perfected. But this is nothing to the purpose. It can only be thus magnificent, it can only add to the character and the grandeur of this country, by being what it ought to be—as perfect as possible. I therefore, in view of the character of the country, desire that this enterprise shall be undertaken upon such principles as will insure as much perfection as possible. If it be completed, it will be, as has been stated by my honorable friend from Connecticut, a grand and magnificent project—not a project, for it will have ceased to be a project—but a grand and magnificent work, placing us in that respect above all nations which have preceded, or which exist with us at present. I admit it; but I desire that we shall not disgrace American genius by hurrying forward into a great enterprise of this kind, and making it a miserable patchwork thing, when it ought to be one grand and magnificent whole, honorable to the skill and genius of the country, as it will be beneficent to the world.

Sir, for this reason, as well as for others, I am for having light before we act. Sir, I am sorry that I have detained the Senate so long as I have done; but I believed it was due to the vindication of the views which I had casually thrown out that I should state my opinions at length; and having done so, I yield the floor.

RAILROAD TO THE PACIFIC.

SPEECH OF HON. H. S. GEYER,

OF MISSOURI,

IN THE SENATE, *February* 18, 1853,

On the bill for the protection of the emigrant route and a telegraphic line, and for an overland mail between the Missouri river and the settlements in California and Oregon.

Mr. GEYER said: Mr. President, the construction of a railroad to connect the valley of the Mississippi with the Pacific ocean has attracted the attention and commanded the approbation of the people of the United States for a number of years. Long before the acquisition of California, when our possessions upon the Pacific were bounded by the forty second degree of latitude, the popular mind had been earnestly directed to this great subject. At that time there was no division of opinion as to the pass of the mountains through which it should go. The South Pass being within half a degree upon our southern boundary line, was the only one deemed practicable, then within our territory. The will of the people was almost unanimously expressed, sometimes represented in primary assemblies, sometimes expressed through the medium of the Legislatures. Congress was implored to take the subject up. The people then not only believed in the necessity for the construction of such a road, but they felt that it was essential to their highest interests, political, social, and religious. Had Congress then seconded the voice of the people, one road would now be nearly or quite completed, and we should be ready to commence a second instead of spending our time in debating how long it shall be postponed.

With the acquisition of California came upon us new difficulties. Our line was extended to near the thirty-second degree of latitude. Several passes were ascertained to exist that were perfectly practicable, and then came up the difficulty which stands in the way of the execution of the work to this hour. Difference of opinion arose as to the pass that should be selected. The South Pass, which before had been approved by the almost unanimous voice of the people, is now in the judgment of some gentlemen unfit; and we are divided in opinion, according to the section of country in which we happen to reside, and from which we come. Every town on the Mississippi, from St. Paul to the Gulf, is contending for the terminus of the road. Every principal town supposes that it is entitled to that favor, and imagines that the evidences are conclusive in favor of its point as a terminus. The Senator from California [Mr. GWIN] attempted to meet these difficulties by furnishing a branch to each one of the States on the west of the Mississippi. That did not appear to find favor with the Senate. A Select Committee was appointed to take into consideration the whole subject. It had before it the various plans that had been suggested. One of them, which seems to find favor with the Senator from Pennsylvania, looked towards the construction of this road out of the National Treasury, under the superintendence of the National Government; another proposed to make a road by the intervention of a private company, to whom was to be granted a bonus in money; and still another proposed to make a road entirely out of the public lands. The committee has reconciled these difficulties by the proposition now before the Senate.

It proposes not to increase the patronage of the Government, or the duties which now devolve upon it, by committing to it the management of this railroad, organizing the Government into a sort of railroad corporation, for the purpose of the transportation of merchandise across the continent. That plan it rejected. At the same time the committee was aware that the work could not be executed exclusively by private enterprise and private means. It has, therefore, combined lands and money, by way of assisting any company that may undertake it; and although I do not entirely approve this bill, and it is not the plan which I would be disposed to favor, the experience of many years has shown me that a member must not always hope to succeed in carrying a favorite plan. There must be compromise on this as upon any other subject.

The multiplication of the difficulties has not decreased in the least the intense anxiety of the public that the road should be built; and now that it seems to be admitted on all hands that it is practicable, that it is essential to the public interests, that it is necessary to the national defenses, and indispensable in the time of war, I cannot forbear to express my astonishment that there is a proposition before us to postpone the execution of the work until some future day. If this work is found to be impracticable, it is because of the impracticability of Congress, and not because the work cannot be accomplished.

But it is said to be indispensably necessary that we should have preliminary surveys. The honorable Senator from Ohio tells us that the bill itself provides for that; and he states, and states truly, the question to be whether the location of the termini and general route of the road shall be made by the President or by Congress; but he says that by transferring it to the President, we abdicate the power of Congress. I was at a loss to understand his meaning until I heard the speech of the honorable Senator from Pennsylvania. He requires a survey in order that the grades of the road may be ascertained, and its exact line laid down, and then that there shall be a specific direction as to the mode of construction; and unless Congress maintains its power over that subject, we shall be held to have abdicated it. Sir, I would ask that honorable Senator whether Congress abdicated its power when it intrusted to the President of the United States the selection of the plan for the additions to the Capitol? Whether Congress abdicates its power to raise and support a Navy when it commits to the President the construction of vessels for the public service under his superintendence? Are we, under the power to authorize the construction of this road, to superintend as a body of contractors composed of two branches, the entire operations on the road?

But it is said we cannot proceed without a preliminary survey; that we have not knowledge enough upon the subject; that it is necessary that a detailed survey of the line and grades of the road should be reported to Congress, and that Congress should then fix the termini and locate the route by an act. The honorable Senator inquires if Congress cannot now locate the road how shall the President do it? Sir, if Congress has not been able to locate the road in ten years, is it to be expected that it would be very prompt, when the bone of contention will be presented to them in the form of surveys of the different passes of the mountains and the grades of the road, to the different points on the river? Shall we not encounter the same difficulties that we have encountered all along? Do we not see it apparent now, that one of the sources of opposition to this bill is an apprehension that the President may select a point which is not the first choice of honorable Senators? Is there not a trembling anxiety upon that subject to which much of this opposition may be traced?

It is said that we propose the same sort of survey and examination by the bill that is proposed in the amendment. That may or may not be. What we propose is, that there shall be a sufficient examination, and that sufficient information shall be obtained by the President to enable him to fix the termini and the passage through the mountains. That is all the survey that is required. The amendment does not propose to limit the survey or the inquiry to particular points, but it asks for a survey and an examination which shall enable Congress to exercise its power so as to control the location of the road. But suppose that the surveys are to be of the same character and require the same time; we shall by the bill gain this advantage: that a question which we have found ourselves unequal to, will be decided. On all hands it is said that the incoming President may be trusted with a subject so momentous as this; and in my judgment—without intending any disrespect to either House of Congress—he would be more apt to decide it correctly than the two Houses of Congress will, when the surveys are brought in.

But the honorable Senator says the President of the United States will have enough to do in the discharge of his high functions without attending to the location of railroads; he will not have time to make an examination for himself, and he must depend upon the reports which are made by the engineers. And, I pray you, Mr. President, will Congress have time to examine the road for themselves? Will the members of either House feel it a part of their duty, or consistent with their high obligations, to absent themselves for the purpose of making a personal inspection? Congress will have to rely, as the President must, upon the surveys and reports that are made. Congress, then, will have more to do than the President. Congress will be embarrassed, as I have already remarked, by the conflicting interests of various sections of the country bordering on the Mississippi, nay, sir, the conflicting interests on the seaboard, and those who are interested in the lines of roads which now take a particular direction, whether north or south.

Another objection taken by the honorable Senator from Pennsylvania, is to the cost, which he estimates at $40,000,000. It is not $40,000,000 given away without an interest in, or control over the road; but it is $40,000,000 advanced in lands and money, to execute the work, retaining a control over the use of the road for public purposes. But, Mr. President, I imagine that the honorable Senator is entirely mistaken. He has described the country through which the road will probably pass, as a sterile waste, and yet he estimates it at a price for which choice lands will not sell within the organized States. He estimates it, at least, at

$1 25 per acre. Permit me to tell him if the land is worth anything to the Treasury, its value will be given to it by the construction of the road, by the outlay of the capital of the company to make it, and it will not yield a dollar until the road is made. As the road progresses there will be settlements, and demand for the lands; but if you abandon the road, you have the lands worth nothing at all to the Treasury. But twenty millions, it is said, are to be appropriated. Twenty millions is the maximum. No more can be given under the bill. I would inquire of the honorable Senator whether he has ever estimated what is the cost of the transportation of troops and supplies in time of peace? It appears by the report of the Quartermaster General, that there were expended during the last fiscal year more than $2,500,000 in his Department. If he will compare that expenditure with that of years before the Mexican war, he will find that an addition is made in consequence of the posts that are not accessible by the ordinary means of transportation. Sir, before that war, all our posts on the frontiers were either upon navigable streams, on which transportation was easy, or within very short distances of them. Now, that which was a point of delivery before the war, is the point of shipment inland for eight hundred, or one thousand, and sometimes fifteen hundred miles. If we estimate the expenses of transportation in time of peace, we find that the Government will be indemnified for its money, if the road shall be completed, by the facilities of transportation. One million of dollars may be saved per annum, and a much larger sum in time of war, when you will have the regulation of the transportation by the terms of the bill. The bonds are to be at five per cent., yielding an annual income of $1,000,000. That sum, I will venture to say, will be saved in the single article of the transportation of troops and supplies. To that must be added, as was said by the Senator from Tennessee, [Mr. BELL,] the transportation of the mail, which can by this means be afforded daily for a much less sum than it is now afforded semi-monthly.

But the Senator from Pennsylvania is mistaken in another view of the bill. He supposes that it either contains no limitation, or if it does, that Congress may be practiced upon at some future day to abrogate it. That argument does not cohere very well with that of the honorable Senator from Ohio, for he has informed us that there is more danger, in regard to that point, in the President than in Congress. We have the counter argument of the Senator from Pennsylvania, that although Congress can be trusted in the location of the road, and in the bargain which it will make for the construction of it, when it is made, influences may be brought to bear upon them hereafter, by which a much larger and unlimited expenditure may be made. If the Senator had looked at the bill carefully he would have seen that that contingency was not likely to arise, because the bonds are to be issued as the road is built by sections; and if there is a failure to construct any section of fifty miles, there is a forfeiture of all the work that has been done, and not another dollar, or another acre of land will go into the hands of the company.

Mr. COOPER. The Senator misconstrues my argument. My argument is, that although the amount of twenty millions was fixed in the bill, and the number of acres, though not fixed, is ascertainable by calculation, yet, if it became necessary, this company would have it in its power, by its pressure upon Congress, to obtain as much more as was necessary. It does not matter at all whether Congress is subject to such influences or not; it does not affect my argument at all. I may have been wrong, but if I was right in supposing that Congress was subject to such influences, my argument was good.

Mr. GEYER. The argument is one in favor of a dissolution of this Union, or at least of the incompetency of Congress. If a great and beneficent measure cannot be compassed, because we cannot trust Congress, we had better cease to legislate. Sir, I do not believe that any influences can be brought to bear upon a future Congress which cannot be brought to bear upon this. There are influences adverse to this measure. There are the roads across the Isthmus. There is the influence of the Atlantic cities, which want the ocean transportation, and which would be somewhat reluctant to erect a rival road. Why, even now we are so very solicitous to get a means of transportation across Tehuantepec that there is a threat of war. We are to seize it *per fas et nefas*, to get a line of transportation between the Atlantic sea-ports and the Pacific. We would prefer to go to war, and hazard all the expenditure of blood and money to which it would lead, and the calamities which it would bring upon us, than to give it up.

Another objection is, that we have not knowledge enough to commence the work; that we do not know enough of the country through which the road will pass. Sir, we know to a certainty that on this side of the Rocky Mountains there is no difficulty in the way. You may pass upon the line of the Red river, or the Canadian, or the Arkansas, or the Kansas, or the Platte, and that either of them will afford an easy grade is ascertained beyond all doubt. The only difficulty, and the only important fact to inquire into, is as to the passage of the Rocky Mountains, for the Sierra Madre is merely an extension of the Rocky Mountains or the Sierra Nevada. We have to ascertain that, and when that is ascertained, we know that the road is practicable. We know that it can be made of easy grade, except at the points I have mentioned; and therefore we are under no necessity for further information upon the subject, except to know what passes shall be taken, and where shall be the termini of the road, neither of which Congress is prepared to decide, or will be prepared to decide when they have the surveys.

Another objection to the bill is, that the work is to be committed to individuals, who, in consequence of its magnitude, will have a fearful power. Sir, when we look at the thirteenth section of the bill—which is all that it contains about a corporation—we shall see that its powers are very limited; more so than those of any railroad corporation in the State of Pennsylvania. The thirteenth section of the bill provides:

"That for the purpose of this act, the contractors, their associates and successors, are hereby created and constituted a body-politic and corporate by the name of 'The Pacific Railroad and Telegraph Company,' by which name they may sue and be sued"—

That, I take it, is not among the fearful powers which are so much apprehended—

"plead and be impleaded, and have and enjoy all proper remedies at law, and in equity, may organize and elect such officers as they may deem necessary, and have and use a common seal; they may also open books and issue certificates of stock"—

These are the specific powers; then comes a general one—

"and perform all other acts necessary to carry into effect the provisions herein contained."

There is the limitaton of the power of the corporation. To contend that that power may be abused, is to contend that no corporation should ever be created; nay, sir, that no trust shall be confided to any individual, for it is liable to be abused. But in this country we have no reason to apprehend any great abuse of power. If the corporation should exceed its powers, we have a judicial tribunal that will rebuke it. Its powers may be tested by the same law and by the same tribunal that our rights of property are inquired into. But it is to have these general powers only to carry into effect the provisions of the act. What are they? To construct a railroad of a gauge to be approved by the President of the United States; to construct it from one point fixed on the Pacific to another point on the Mississippi, it having not even the power conclusively to locate the road between the points. The location of the road is to be with the approval of the President of the United States. It is then limited as to the mode of construction, and the weight of the iron that it is to use. It is limited by the act itself to the objects contemplated by that act, and it has no powers but those which are necessary to carry the provisions of the act into effect.

But the alarm is in the name "corporation." The honorable Senator from South Carolina [Mr. BUTLER] intimated that within the States it was clearly unconstitutional, though with their consent, and of doubtful constitutionality, to say the least of it, within the Territories. I will not enter at large into the argument of the power of Congress to incorporate a body of men employed by them to do a work, under an acknowledged power under the Constitution; but I would ask the honorable Senator what is a territorial government but a municipal corporation? You have two bills now on your table, one to incorporate the inhabitants of the Territory of Washington, so called, and the other of Nebraska—municipal corporations with general legislative powers—an "abdication," in the language of the Senator from Ohio, of the power of Congress to legislate. Sir, if it be an "abdication" to intrust any person with the execution of a work for which it is in the power of Congress to provide, the Constitution has been broken at almost every session of Congress, from the time it was first signed down to the present day.

Mr. President, I did intend, when the subject was first introduced into the Senate, to have gone somewhat at large into the question; but I regret that we have spent so much time in the discussion of measures of less importance, that we have very little time to bestow upon this. I will not, therefore, at this late period of the session, trespass further upon the time and attention of the Senate but to explain some amendments which I intend to offer when I shall have the opportunity.

I propose to confine the operation of the bill, except as to the survey of the road and the termini, to the Territories; in other words, if the bill is amended, as I propose, the termini will be fixed by the President of the United States; but the provisions of the bill for the construction of the road shall be confined to the Territories. I then propose, that where the road is located through any State, there shall be a grant of alternate sections of land for the purposes of the construction, under the authority of the State, by some persons, or corporation if you please, authorized by the State. I propose to subject that road to the same conditions as are in the bill in relation to the gauge of the road, and to the regulations contained in the eighth section of the bill, which secures for the United States the transportation of its supplies upon the road. If this amendment shall prevail, it will strip the bill of the difficulties which have been made by some honorable Senators, and I hope will facilitate its passage. I propose to strike out all that part which relates to the action of a corporation within the States, and leave therein the management to the States. I will own here, Mr. President, that in making this proposition, there may be a little difficulty in that part of the State of Texas which projects west of Arkansas, but there will be no greater difficulty under the amendment than is under the bill. The bill provides for a grant of the alternate sections of the United States lands, of course, but there are three degrees of longitude belonging to Texas through which the southern route will pass, as it is laid down upon the map furnished by the Senator from California, [Mr. GWIN.] Under the provisions of the bill, the company can get no land there. They must apply the money to the construction of that road unless they obtain a grant from the State of Texas; and so it will be if the amendment is adopted. The road there must be constructed by the means of the State of Texas. She will provide for her own grant of land, for she owns it, and the benefits resulting from the construction of the road will be hers, so far as it operates in an augmentation of the value of the land. But in a State through which the road may pass where there are United States lands, I propose to increase the appropriation, as some compensation for the burdens which will be imposed upon those who construct the road by the terms of the bill. They must conform their gauge to that which is approved by the President. They must use iron of the same weight, and they must be regulated by the general rules which are adopted for the regulation of the road through the Territories.

When I have the proper opportunity I will present my amendments. I have made these few remarks now to present my views upon the subject, and shall not occupy further the attention of the Senate.

LANDS TO RAILROADS.

SPEECH OF HON. H. H. SIBLEY,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1853,

In favor of the policy of grants of land for railroad purposes in the West.

Mr. SIBLEY said:

I have made several attempts, Mr. Chairman, during the last few weeks to introduce for proper reference and examination, "A bill granting the 'right of way and a portion of the public lands, to 'the States of Louisiana, Arkansas, Missouri, and 'Iowa, and to the Territory of Minnesota, to aid 'in the construction of a railroad from a point op-'posite the city of New Orleans, to the northern 'boundary of Minnesota, with a branch to the 'Falls of St. Anthony." Owing to the arbitrary rules of this body, I have as yet been unsuccessful in my endeavors to place that bill in a position where it could be reported upon by the Committee on Public Lands, and it is with a view to discuss the merits of the proposition, and others of a kindred character, that I now ask the attention of the House.

While the new States lying east of the Mississippi have received more or less aid from the General Government in land grants for the construction of railroads, the immense region on the west of that river has been comparatively neglected. I am aware that Arkansas, Missouri, and Iowa, have severally been assisted in the same manner; but when the remote position of those States from the Atlantic is taken into consideration, as well as the fact that these newly-settled regions are necessarily less able than older and more wealthy communities to open great lines of communication unaided, it must be conceded that these grants are not commensurate with the requirements, either of the people themselves, or of the Government.

I shall very briefly advert to the argument so often and so triumphantly advanced, as well by eastern as by western men, in support of the general policy of granting lands for building railroads and canals through the public domain, as my principal object is to attempt to show that artificial lines of commerce in the distant west are absolutely requisite, not only to develop the wealth of those vast mineral and agricultural regions, but as a measure of strict economy on the part of the General Government itself, taking into view the state of the frontier, which it is the duty of that Government to protect and defend.

It is not only in the power of Congress under the Constitution, but it is binding on that body, as the custodian of the public property, to dispose of the public lands in such a manner as may directly or indirectly inure to the benefit of the greatest number of its citizens, so far as that can be accomplished without injury to any portion of the country. Mr. Calhoun gave the weight of his great authority in favor of grants of land by the Government to aid in works of internal improvement through the public domain in these words, in a debate in the Senate in 1848:

"And I doubt whether, in any case, either of a canal or railroad through the public lands, the United States would not be a gainer. To that extent I am prepared to go, be the road long or short. If it be long, you gain the more; if it be short, you gain the less; and you contribute in proportion to your gain." * * "Long since it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer."

Again:

"The Government, in my opinion, ought to be ashamed to allow their lands to be enhanced in value by the exertions and at the cost of a State, without contributing in some degree to bring about this result."

Surely, if the strict constructionist and eminent statesman, whose opinions I have quoted, deemed it incumbent upon this Government to aid its citizens in constructing roads and canals through its public domain, on the score of propriety as well as economy, we may reasonably expect those gentlemen who represent the Atlantic States to pause before they commit themselves against that policy. And may we not also appeal to those Representatives to emulate, to some extent at least, the liberal sentiments of Virginia, New York, Connecticut, and others of the older States, towards the West in the early days of the Republic? Then there were no apprehensions expressed lest the great valley of the Mississippi should advance too rapidly in all the elements of wealth and power. With expanded and patriotic views that embraced all portions of the country, every concession that could reasonably be required to enable the sparse settlements west of the Alleganies, to work out the high destinies of that rich and fertile region, was cheerfully granted. Under the benign influences of so liberal a policy, those infant settlements have extended and increased, until more than ten millions of freemen now inhabit the land which three quarters of a century since was a wilderness. It has been left for the older States in these latter times to discover that the General Government has heretofore manifested too liberal a spirit towards the West. *Now* the fiat seems to have gone forth, that henceforward Congress must not aid in making roads through its own domain, unless the Atlantic States receive an equivalent for their votes in favor of such measure, in the shape of public lands. *Now*, if a new State asks that the proprietor of large tracts of untaxed land within its limits shall contribute a fair proportion of the expense to make them accessible to the settler, it is met with the cry of "more land stealing." *Now*, if a grant of land is perchance obtained for purposes formerly admitted as right and proper in themselves, it must undergo the ordeal of the most bitter and unrelenting opposition from the Representatives not only of the original thirteen, but of other States which have heretofore profited by cessions of a like kind.

Have the members from the land States at any time banded themselves together to defeat appropriations from the public Treasury for the benefit of the Atlantic sea-board? Have they refused to vote for measures because they had reason to believe that the old States were particularly interested in their success? No one, Mr. Chairman, can justly charge any such ungenerous proceeding on the part of western Representatives. If they oppose the tariff system, which eastern manufacturers so fervently advocate, it is because the democratic sentiment of the agricultural States is overwhelmingly in favor of the doctrines of free trade. When they record their votes against the system of coast fortifications, they but act in accordance with the public sentiment of the country, which has emphatically pronounced against further great expenditures for such purposes, as antiquated and absurd. In short, you do not find them opposed to any measure introduced into Congress, simply because their own particular constituencies are not immediately interested.

This land question bids fair to create serious difficulties between the East and the West, unless Congress shall devise some equitable and just method for its settlement. The embarrassments involved in this subject should be met in a manner satisfactory to both parties or sections, by wise legislation, before they become, as they certainly will, if not disposed of, more aggravated and embittered in their character. The West will now be satisfied with grants of the alternate sections upon the great thoroughfares through the public domain to aid in the construction of railways and other works of internal improvement. Should these be denied, it needs no prophetic spirit to foretell, that in a very few years that concession will not be received as a sufficient indemnification to the people of the West, for all the toils and sacrifices they have endured in reclaiming the wilderness, and converting it into a fruitful field, and for protecting and rendering valuable your lands, without imposing any tax upon them. They will then insist upon more, and they *will have the power*, in both branches of Congress, to make good their demands. As a matter of public policy, therefore, no less than of justice, this vexed question of the public lands should be definitely disposed of by the enactment of a law by Congress, embodying the main features of those railroad grants which have lately been made, and which shall have a general application, whenever, in the opinion of the constituted authorities of a State or Territory, the wants of the people require new avenues of communication therein.

The financial affairs of the country are in a flourishing condition, and the present time peculiarly auspicious for railroad enterprises. Capital will seek investments in the great lines of communication between the remote points in our Confederacy. California and Australia continue to pour their golden tribute into the money circulation of the world, until there threatens to be a plethora of wealth everywhere. All kinds of stocks are unprecedentedly high in the market, and millions of treasure lies dormant in the banking establishments of the large cities, ready to be employed whenever opportunity offers. I repeat, therefore, that the present time is most propitious for originating the great railroad projects which are to bind together the different portions of the Union.

With these few remarks in connection with the general subject, I beg leave to dwell for a short time upon the features of a Pacific railway proposed to be constructed, also of the bill I seek to introduce, and of another upon your calendar, the three being intimately connected with each other. I have perused with much pleasure, Mr. Chairman, the details of the scheme introduced by an honorable Senator from California, [Mr. GWIN,] for uniting the waters of the Pacific ocean and the Mississippi river by means of a railroad. That such a communication must be made very soon, no one can doubt who reflects upon the necessity that exists for its immediate construction, and the favor with which the project is received in all parts of the country. The integrity of the Republic may depend upon that great link in the chain which is now wanting to complete the union of our eastern and western extremes. There may well exist an honest difference of opinion in Congress as to the best mode to effect that desirable object, but it is to be hoped that the whole energies of the nation may be devoted to bring the work to a speedy conclusion, and in a manner the least calculated to entail future evils upon us, by the creation of huge landed monopolies.

The proposition of the Hon. Mr. GWIN embraces several branches of railroad connected with the main trunk from Memphis, Tennessee, to San Francisco; these branches to terminate severally at St. Louis, Missouri; Dubuque, Iowa; New Orleans, and at Matagorda Bay, Texas, and a western branch to terminate at Fort Nisqually, in Oregon. He estimates the distance from Memphis to San Francisco, by the valley of the Red river and Walker's Pass, at two thousand miles; and the aggregate length of the branches at three thousand one hundred and fifteen miles—in all, five thousand one hundred and fifteen miles; and that an appropriation of ninety-seven millions five hundred and thirty-six thousand acres of land, which, at the minimum price of the public lands, would be equal to $121,900,000, be made by the Government to construct these four thousand four hundred miles of railroad, (excluding the Texas branch,) assuming that the cost would not exceed $27,700 per mile, which, according to Mr. GWIN's statement, has hitherto been the average of the railways already built. This is indeed a gigantic project, and requires to be weighed well before it becomes a law of the land. In my judgment, the main trunk should first be constructed, (the termini to be at the most favorable and convenient points,) without embarrassing the scheme with the proposed lateral branches. These will follow in course of time, when the requirements of commerce and of travel shall demand these additional aids.

Another route to the Pacific, which seems not to have received much attention in the discussion of the question, and which must sooner or later be resorted to for a railway communication, is that from the head of Lake Superior to Puget's Sound, in Oregon. The distance between those places, diverging at one point to avoid the North Fork of the Missouri river, is only one thousand four hundred and ten miles, while the country, so far as it is known, is remarkably favorable for railroads. Two single ranges of mountains are alone to be traversed, and the passes through them are probably more practicable than those by any other route. The lower extremity of Puget's Sound, and the head of Lake Superior, are in almost precisely the same parallel of latitude, not far from 46½° north, so that the course between them is directly east and west, save where the curve would be required, as I have before stated, to avoid two crossings of the North Fork of the Missouri river. The passage of the first mountains once effected, the val-

ley of Clark's Fork of the Columbia river presents the most eligible track for a railroad, down to the defile through the western range nearest to Fort Nisqually, on Puget's Sound, which is doubtless the best terminus on the waters of the Pacific in the Territory of Oregon. It may be objected that the snow in those high latitudes will impede or prevent the passage of railroad cars for some months in the year. To what extent this is well founded, I do not pretend to know, but as the snow decreases as we proceed westward, there is, in my judgment, no more reason to apprehend difficulties from that source than on the other proposed routes to California, which must necessarily traverse the Rocky Mountains proper, the Sierra Nevada, and the Coast Range, some of which are covered with perpetual snows. Whatever may be the facts in the case, a glance at the map must convince every man that the route on the parallel of 46½° north is far less mountainous in its character, and the distance at least five hundred miles shorter, than by either of the others contemplated. It should be borne in mind, also, that ships bound from San Francisco to the East Indies run up the Oregon coast for several hundred miles, that being the most direct course, so that so much of distance would be saved by enabling those ships, on their return trips, to discharge their cargoes at Fort Nisqually. The overland trade will naturally seek the most direct route from New York, the commercial metropolis of the Union, to the Pacific ocean, and the one which will diminish the distance between that city and the great ports of commerce in Asia, a thousand miles or more, must eventually, if in anywise practicable, be preferred above all others. It is highly desirable that proper explorations of a scientific character should determine the relative merits and demerits of each of the proposed routes, and I trust that Congress will at this session authorize such to be made.

The line of railroad from Pembina, in Minnesota, to New Orleans, will, when constructed, bisect any or all of the contemplated routes from the Mississippi to the Pacific, and add much to the commerce which will be carried on by their instrumentality. The region to be traversed is, of all others on this continent, the most favorable for such an enterprise. There, you have neither mountains nor hills to penetrate, but a continuous, level prairie, with few interruptions, invites you to open a line of communication north and south, through nearly twenty degrees of latitude of your own territory, which, in point of fertility and mineral wealth, has no equal in the world. This immense region is now accessible to the settler only at a few points, remote from each other, where the western rivers pass through it to join the Mississippi. The distance from Pembina, in 49° north latitude, situated on the Red river of the north, to a point opposite New Orleans, by a direct course, is fifteen hundred miles. By adding twenty per cent. for necessary deviations and deflections, the length of the line of railroad between them would be increased to eighteen hundred miles, of which five hundred and ten would be in Minnesota, two hundred and seventy in Iowa, three hundred and fifty in Missouri, three hundred in Arkansas, and three hundred and seventy in Louisiana. The contemplated branch to St. Anthony may be safely estimated at eighty miles—thus making the course of the railroad in Minnesota five hundred and ninety miles long, and the whole distance one thousand eight hundred and eighty miles. To aid in the construction of this great work, my bill proposes that there shall be granted the alternate sections for ten miles on each side of the road, which would give to—

Minnesota	3,776,000 acres.
Iowa	1,728,000 "
Missouri	2,240,000 "
Arkansas	1,920,000 "
Louisiana	2,368,000 "
Making together	12,032,000 acres,

which, at the present price of the public lands, would be $15,040,000, the amount of the contribution of the Government towards the accomplishment of this grand object, second in importance only to the Pacific railroad enterprise.

Taking into view, however, the fine quality of the soil through which the road must pass, it may safely be presumed that three dollars per acre would be received for the granted sections, as a general average, so that the sum of $36,096,000 would be the yield from that source. Thus far the cost of railroads in the United States has been $27,300 per mile, which would make the whole cost of construction of the main trunk, and the St. Anthony branch, $51,324,000. But from this may well be deducted twenty-five per cent., if not more, in consideration of the peculiarly favorable character of the country, (precluding the necessity for deep and expensive excavations, unless at a very few points,) and the abundance of materials to be found everywhere along the line. It is true, that the item of bridges over the numerous tributaries of the Mississippi, should not be overlooked in the calculation of the cost.

Imagination can hardly depict the magical effect which the completion of this work would have, in developing the resources of the West, and in adding to the aggregate wealth of the nation. The valuable fisheries of Lake Superior would be increased in a tenfold ratio, if a market was thus opened to the South. The pineries of Minnesota and Wisconsin would send forth, annually, their inexhaustible supply of building materials to the valley below. The iron, salt, and coal, of Missouri, and the copper and lead of Wisconsin, Iowa, and Minnesota, could be thereby exchanged with advantage, for the products of the "rich and sunny South." The immense tracts of public land for scores of miles on each side of this proposed railroad, now without a purchaser because of their remote position from the water courses, would be taken up at once by an industrious and enterprising class of settlers, admirably calculated as the whole of that region is for the support of a dense population.

There are other considerations involved, Mr. Chairman, in favor of the speedy completion of this contemplated work. The magnificent Mississippi and its principal western tributaries, are not to be depended on for purposes of navigation throughout the year. At the north, during the winter months, we are ice-bound, while in the summer, except in extraordinary seasons, the low stage of water embarrasses us in our intercourse with the southern Mississippi States. The obstructions in the Mississippi river, judging from the niggardly policy of the past, are not likely to be removed for many years to come. The tax annually levied upon the people of the States and Territory living above the rapids, in the shape of extra freight for the transportation of goods and provisons over them, is already enormous, and acts as a serious drawback upon the prosperity of that region; so much so, that unless a remedy is applied, the Upper Mississippi valley must abandon the present natural channel of commerce, and seek a market at the East for its products.

The average distance of the proposed northern and southern railroad from the Mississippi, is probably somewhat more than one hundred miles. I care little where the northern terminus may be designated, whether at Pembina, or some other point. I fixed upon that place in my bill, because its location is better known than any other spot on that part of the boundary of 49°, and because it is in the valley of the Red river of the north, which is more favorable for a railroad than any other line in that region. The necessity for the completion of the work beyond the Falls of St. Anthony, will depend upon certain contingencies, one of which is the adoption of the parallel of 46½° for a Pacific railway, the expediency of which I have already adverted to. Still, as the whole of that country is now comprised within the public domain, if a grant is to be made, it should be for the entire length, that it may be rendered available when required. You have now an extensive Indian frontier, which you are obliged to defend at a vast annual expense. If the longitudinal line of communication along that border was perfected by means of a railway, the Government might control the savage tribes with much greater facility than can now be done, and with less than one half the force at present requisite for that purpose. Troops could be transported rapidly to any point that was menaced. The same reasons might be urged as one of the necessary preparations against the occurrence of a foreign war.

I know that many regard that as an almost impossible event. I am not one of that number, for I can well imagine that we may be forced to resort to that, so much to be deprecated, alternative, at any time, to defend the honor or the rights of the nation. Grave Senators have assured us that our foreign relations are in a delicate position; and I am bound to believe that they are not alarmists, or actuated by any vain spirit of boasting, when they make that declaration. I am not in favor of filibustering expeditions, but I do trust that the high position of this Republic will be sustained and vindicated, and the Monroe doctrine strictly adhered to, even at the hazard of a war with France, England, or any other Power. And I feel assured that the incoming Administration will enforce this cardinal policy of the Democratic party, indeed I might say, of the whole American people. Should hostilities follow, we ought to be prepared to repel the intrusion upon our soil of an enemy's force, with the whole power of the country. If the projected railway from north to south was completed, it would enable the Government to concentrate in a very few days thousands of the best marksmen in the world, at any point on our southern coast that might be threatened by a foreign foe.

Mr. Chairman, I have already trespassed too long upon the attention of the House, and yet I beg its indulgence while I bring before it the other railroad project to which I have previously alluded, upon which I hope to secure an affirmative vote to-day. There was a bill reported by the Committee on Public Lands at the last session, to grant to Minnesota alternate sections of lands for the construction of a railway from the Falls of St. Louis river, on Lake Superior, to St. Paul, on the Mississippi, with branches to St. Anthony and Stillwater. That bill is now on your calendar, and I wish to state very briefly the necessity that exists for its passage. The distance between the termini is about two hundred and sixty miles, and much of the country through which the road would pass is very favorable for settlement. The great object is, to open a communication between the waters of the St. Lawrence and the Mississippi, at the most eligible and proper points, and it is one of immediate interest to every State bordering upon the latter river, and upon the lakes. Congress granted seven hundred and fifty thousand acres to the State of Michigan, at the last session, to enable it to make a canal around the Falls of St. Mary, on the score that it was not a local benefit, but one in which several States would share, and that was true. I rejoice that the appropriation was made, especially as my own Territory will necessarily profit by it. Complete the measure of your liberality, and I may say of your justice, by contributing to the infant but enterprising Minnesota, from your ample resources, your proportion of the means necessary to build a railway between the northern and southern portions of our Territory, through what is now but little better than a trackless wilderness.

Minnesota Territory comprises in its limits all the northern shore of Lake Superior up to the British line. We have reliable information that copper, interspersed with silver, abounds in that region. I have already mentioned the fisheries and pineries as of immense value, and that they must necessarily constitute a large item in the commerce with the Lower Mississippi valley. We who live on the waters of the Mississippi are now absolutely cut off from communication with our own lake coast, for want of a railroad. To reach that part of our Territory, without resorting to the primitive mode of conveyance by bark canoes and portages, we must descend the Mississippi nearly four hundred miles to Galena, thence to Chicago, and through the whole length of Lakes Michigan and Superior, and a part of Lake Huron. In other words, we must travel more than fifteen hundred miles to visit a portion of our own Territory, not more than two hundred and fifty miles distant in a direct line. In the transportation of troops for frontier defense, the Government is put to the same inconvenience and expense. If the railroad was made, a very small force of regular troops would suffice for keeping the peace with the savages on that extensive border, as they could move with celerity to any place where their presence might be required. For supplying your garrisons

and Indian agencies with necessary goods and provisions, the road would be very advantageous, and incalculably decrease the expenditures of the Departments of the Government to which they belong.

While these great benefits would accrue to the Government by the opening of a railroad communication, Minnesota would thereby be enabled to develop its boundless resources with great rapidity. The southern portion of the Territory could then send their agricultural productions to those of our citizens engaged in the fisheries and in mining and lumbering operations, and receive their commodities in exchange. Now, as I have before stated, all communication of that character is precluded by the impassable nature of the intermediate country. St. Paul is already an important commercial town, and is rapidly increasing in population. If a connection was formed between it and the two other places named as termini of the road and branches on the waters of the Mississippi and Lake Superior, a vast impetus would be given to the trade of the Northwest, and to the prosperity of the Territory.

In view of these facts, I trust that gentlemen will not vote against this project, because they are opposed to general grants of a like character. Minnesota has not yet received an acre of land from the General Government, except for purposes of education. The number of acres included in the proposed donation, estimating the distance at two hundred and sixty miles, is nine hundred and ninety-eight thousand four hundred. Should this bill be passed by Congress at its present session, the work will soon be commenced and prosecuted to its completion. If the grant is not made, years may elapse before a railway will be built, and meantime the Territory and future State must suffer great detriment, and the Government be subjected to vast expense and inconvenience, which might have been avoided by a timely liberality on the part of Congress.

It is the duty of the General Government to provide for the common defense and for the common welfare of its citizens. How can this be discharged so well, and so appropriately, as by opening the great line of travel through the length and breadth of its public domain? These works are national—not local—in their character. They will contribute, in an eminent degree, to draw closer the bonds of union between the East and the West, the North and the South. The more rapid the means of intercommunication between the distant parts of the country, the more will the people of the different sections realize their identity of interests with each other, and the more repugnant must be the idea of separation into distinct communities. If this is a fact—and it cannot be controverted—no stronger or more valid reason can be given or required for the adoption of a general system of railroad improvements by the Government in the West. These are days of progress—I use the term in its legitimate sense—and Congress cannot, if it will, resist the spirit of the age. The untold millions of acres of public lands were acquired for settlement, and for that alone, and the people will not permit that they shall be hermetically sealed to the pioneer, by obstinate persistence in the present policy of the Government. France, Spain, and England have always pursued a wise system of encouragement to *bona fide* settlers in their colonial possessions, by making to them donations of land. You, who profess to be guided by more just and liberal principles towards your own citizens, not only exact from them a fivefold price for your public domain, but refuse to aid them in constructing roads through it, the expense of which you ought exclusively to bear.

I respectfully submit, Mr. Chairman, that the Territory I have had the honor to represent upon this floor, before and since its organization, has not been troublesome or exorbitant in its demands upon Congress for grants of land, although, in common with the West everywhere, we have had to struggle against the many and serious obstacles and embarrassments of a new country, not the least of which has been and still is, the lack of proper facilities for inland communication. Give us your aid to free us from this difficulty, and I can safely promise that Minnesota will soon be knocking at your doors for admission into the Union, with a population inferior to none of her sisters in virtue, intelligence, enterprise, and devoted attachment to true Democratic principles, and to the Government under which we live.

COINAGE.

SPEECH OF HON. C. L. DUNHAM,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 1, 1853,

On the "Act amendatory of existing laws relative to the half dollar, the quarter dollar, the dime, and the half dime,"

Mr. DUNHAM said:

Mr. SPEAKER: This is a very important bill, and therefore commends itself to the careful and earnest attention of the members of this House. It proposes a change in the small silver coins—the half dollar and under—and also a very important change in our system of coinage.

The proposed change in the small silver coins is, to reduce the weight of the half dollar from two hundred and six and a quarter grains, the present weight, to one hundred and ninety-two grains; and the quarters, dimes, and half dimes in proportion, leaving the metal at the present standard of fineness. This will make the intrinsic value of these coins 6.91 per cent.—not quite seven per cent.—less than the value of the present ones, and will make their relative value to our gold coins about what it was prior to the passage of the act of 1834, as that act reduced the intrinsic value of the latter 6.681 per cent. This reduction is rather more than the present difference between the nominal and intrinsic or market value of our silver coins, as they only bring in market, for purposes of exportation, about four and a half per cent., and for use as small change five per cent. premium. But as the same cause which has produced this difference in the relative value of the two metals, viz: the cheap production of gold, and consequently the increased quantity raised and brought to market, still exists, and indeed is increasing, this difference will go on increasing, and it is to be apprehended that we shall soon find that the proposed reduction is too small rather than too great to enable the new coins to maintain themselves in circulation. So far from there being any prospect of a diminution of the present stock of gold, each successive month adds immensely to it from the increasing productions of California, Australia, and Russia.

Mr. HALL, (interrupting.) I wish the gentleman from Indiana would explain the first amendment proposed by the Committee on Ways and Means. The bill, as it came from the Senate, provides that this new silver coin shall be a legal tender for all sums of five dollars and under. The Committee on Ways and Means propose to strike that out, and provide that this new coin shall not be a legal tender for debts due from one individual to another, but that it shall be for debts due the Government of the United States. Now I ask the gentleman, what is the meaning of this proposed amendment? If it is proper that this silver coin should be received in discharge of debts due the Government, why should it not be received in discharge of dues from one individual to another?

Mr. DUNHAM. If the gentleman had waited until I had arrived at that point in the due course of my remarks, he would have been saved the necessity of asking his questions, and I should have endeavored to explain the point to his satisfaction. But as he has now brought it to the attention of the House, I will at once dispose of it. I think it is susceptible of a very easy explanation. The only object of either provision is to give currency and credit to these new coins, and thereby to maintain them in circulation. The provision of the Senate for the accomplishment of this, is to make them a tender in payment of small debts of five dollars and under. This would no doubt be sufficient for the purpose, as the intrinsic value of the metal in them is so little below their nominal value, and as the supply is to be limited, under the direction of the Secretary of the Treasury, to the necessity for them for change. This, however, would make them a standard in all small transactions; we would thereby still continue the double standard of gold and silver, a thing the committee desire to obviate. They desire to have the standard currency to consist of gold only, and that these silver coins shall be entirely subservient to it, and that they shall be used rather as tokens than as standard currency; and they propose to maintain their credit and circulation not only by limiting the supply to the wants of the country, but by making them receivable for all public dues to the United States, by providing a customer ready at all times to receive them at their nominal value to any amount. This would undoubtedly be also sufficient, even was the intrinsic value of these coins much less than we propose to make it. I think this preferable to the provision of the Senate, but I do not deem either very essential; for the supply will be limited, and their actual value, as compared to gold, will be so little below their nominal value, that the convenience and necessity for them will be amply sufficient to sustain their credit and circulation without either of the provisions.

Mr. HALL, (interrupting.) I wish to say, if the gentleman's reasoning be correct, and if this change does not improperly change the relative value of gold and silver, it does appear very extraordinary that you should make this new silver coin a legal tender in discharge of Government dues, and not make it a legal tender in discharge of debts from one individual to another; and it appears to me very much as if it were an attempt to give an individual an advantage over the Government.

Mr. DUNHAM. I cannot see that an individual has any advantage whatever over the Government. I think the gentleman's remarks are an evidence of what too often takes place in this House. The gentleman undertakes to catechise me upon a subject to which he has evidently given no attention whatever, and undertakes to raise objections and difficulties without really understanding the matter. He talks about this proposed coin being worth about fifty cents to the dollar, though I have just stated to the House that it will vary but little more than one and a half per cent. from the actual intrinsic market value of silver. Our present silver coins will bring in market five per cent.—not as bullion for exportation, but as currency for change. This bill proposes to reduce the intrinsic value only six and ninety-one hundredths per cent. It shows how much the gentleman understands the subject which he undertakes so sharply to catechise me about this morning.

Mr. HALL. I am exceedingly gratified at the lecture the gentleman from Indiana has delivered me; but if the gentleman would understand my argument and take it into consideration—perhaps it is not worth his consideration—he would see that they are based upon sound principles. As to his idea that this silver coin is based upon a proper standard, with reference to gold, he may be right or wrong; but I say that if the principle is right, this silver coin should be a legal tender in discharge of Government dues, and a legal tender in discharge of debts from individual to individual. If the principle is not carried out, you may make a coin—I do not say that is the case here—worth only fifty cents on the dollar, a discharge of public dues, and which in the case of individuals would not circulate at all.

Mr. DUNHAM. I shall be happy to reply to the gentleman's argument. But before going on, I will move to refer this bill to the Committee of the Whole House, in order to prevent its going to the Speaker's table, for if this course is pursued, I shall not get through this morning.

I repeat, in reply to the gentleman, we propose, so far as these coins are concerned, to make the silver subservient to the gold coin of the country. We intend to do what the best writers on political economy have approved; what experience, where the experiment has been tried, has demonstrated to be best, and what the committee believe to be necessary and proper—to make but one standard of currency, and to make all others subservient to it. We mean to make the gold the standard coin, and to make these new silver coins applicable and convenient, not for large but for small transactions. I trust this sufficiently explains the reason of our pursuing this course.

This can neither be unjust to the Government

or to any citizen. Not to the Government, for it alone manufactures and puts them in circulation. It should, therefore, as a matter of duty, maintain their credit; and as it cannot part with them without receiving their full nominal value, it should always be ready to retake them at that value. It is no hardship, because the Government will receive them at precisely what it will have paid them out. It can, therefore, suffer no loss. It can be no hardship upon the citizen, because, as it is entirely at his option whether he will take them from the Mint or not, he certainly will not take them unless they are worth to him their nominal value, the price at which he receives them. A nominal dollar of these coins must be worth a dollar in gold, for they must be worth the price they will bring, and as no one can get them from the Mint, the sole manufactory, for less, and as the Govment will stand pledged to redeem them at that price, they must always bring it. They must therefore always be worth and pass for a dollar in large or small sums. This we see verified by our three-cent pieces and the Spanish coins now so extensively circulated in the country. No one doubts but that when he receives a dollar in them at their nominal value he is getting the worth of a dollar of gold or silver, because he can get them for no less, and he can readily exchange them for the one or the other. Yet that nominal dollar in three-cent pieces is intrinsically worth, of standard silver, only eighty-three and one third cents, and in the Spanish coins usually in circulation only from eighty to ninety-four cents, according as it is in fips, twelve-and-a-half-cent pieces, or quarters, the depreciation of these Spanish coins by abrasion being from six to twenty per cent.

If, then, the mere necessity and convenience of the community maintain in circulation at their nominal value coins thus intrinsically depreciated, can there be any doubt that one of an intrinsic value of at least an average of twelve per cent. more, issued by and bearing the stamp of our own Government, which will also stand pledged to redeem them, will do so without loss to the citizen? Your copper coin maintains its credit and circulation, though not intrinsically worth seventy per cent. of its nominal value. You need no law making these new coins a legal tender. The creditor will be but too anxious to receive them, as he now is the old worn-out Spanish coins, which there is no law to compel him to take, and, as he now is, our three-cent pieces. Another reason why the Government should receive them in payment is, that, though—as these coins will only be issued from the Mint upon the demand of our citizens—there can be but little danger of an issue beyond their actual wants, yet if, by any possibility, there should be, they will immediately find their way back to the Treasury in the payment of public dues, and thereby be withdrawn from circulation, and the amount reduced to the wants and convenience of the people. They can then never be a drug in the market; can never fall below their nominal value.

So much for this change, and so much for the principle upon which it is to be made. Every one who has given the least attention to this subject must be satisfied that some alteration in the relative value of our gold and silver coins is necessary, and must be made, or that we shall soon be without any of the latter. The value of coin, like the value of anything else, is in proportion to the cost of its production; or, if gentlemen prefer the expression, in proportion to the supply and demand, which comes to the same thing; for if the amount of labor required to produce an article is lessened, the production is cheapened, and the amount produced, so long as there is a market for it, is increased. We are all aware that within the last few years it has required less labor than formerly to raise gold, whilst the cost of raising silver has remained about the same. The quantity of gold raised has been increased as a consequence, and it has become cheaper, when compared with silver, or other commercial commodities. Silver, then, when compared to gold, has appreciated in value, not only in our own market, but in the markets of the commercial world.

The same amount of silver bullion will now buy more gold bullion than heretofore; but as it now takes no more gold bullion to make a dollar than before, no man thinks of paying his debts in silver dollars or coins, but he gathers up the silver coins, exchanges them for gold, and has the gold made into dollars, and with them pays his debts, or, which comes to the same thing, he exchanges his silver for the amount in gold coins that the gold bullion, which his silver dollars would buy, would make, and with them pays his debts, saving to himself, by the operation, the increased number of gold dollars which he gets for his silver. As our coins of gold or silver are regarded in a foreign market simply as so much bullion as merchandise, when debts are to be paid in those markets, those will be taken which will bring the most there in proportion to what they cost here. The intrinsic above the nominal value in a single silver coin, or in a small number, being small, they pass singly, or in small numbers, as a currency at their nominal value only; but as in large sums this difference amounts to considerable, there is a profit in gathering them into large sums and selling them as bullion, thereby withdrawing them from circulation. A like interest prevents the holder of large sums from paying them out as currency. As the advance received from the exporter by the person who gathers them up at their nominal value is clear profit, he can sell them to him at such a price as will enable him to make a handsome profit by their exportation to a better market. There is, then, a constant stimulant to gather up every silver coin, and send it to market as bullion to be exchanged for gold, and the result is, the country is almost devoid of small change for the ordinary small business transactions, and what we have is of a depreciated character. This does not injure your Wall street brokers, who deal by thousands; they are making a profit by it; but it is a serious injury to the laboring millions of the country, who deal in small sums. I am not so much surprised, therefore, to find the gentleman from the city of New York [Mr. BROOKS] opposing the measure.

This evil must be remedied; and I know of no remedy but to make the relative intrinsic value of gold and silver coins correspond with their relative nominal value. You must diminish the intrinsic value of the silver coins, or increase that of the gold; you must diminish the quantity of silver in the silver coins, or increase the quantity of gold in the gold coins. Which shall we do?—which ought we to do? This we can only determine by examining the effects of the one and the other; by whether we should or should not interfere with the present state of existing contracts; whether we should legislate for the benefit of the creditor at the expense of the debtor; for the benefit of the capitalist at the expense of labor; whether we shall use the powers of the Government to advance the interests of the rich, or to protect the poor?

And first, what will be the effect of increasing the quantity of gold in the gold coins? Our gold coins are a legal tender in payment of debts at their nominal value. If the debtor has, therefore, given his note for a hundred dollars, that is practically a contract to pay the quantity of gold, of the standard fineness, now contained in a hundred dollars of those coins. If you by law increase the quantity of gold in those coins seven per cent.—about what this bill proposes to decrease the silver coins—the debtor must then, to discharge that same debt, pay the quantity of gold contained in one hundred and seven dollars of the present coins—seven dollars more than he contracted to pay. Or, to give a further illustration, suppose I borrow a hundred dollars, and receive it in the present legal gold coins, and gave my note payable ten days after date. This note, if its terms were fully expressed, means that I shall, ten days after date, pay the gold in quantity and fineness contained in one hundred dollars of our present gold coins. Before it comes due you pass a law requiring that the legal gold coins shall contain seven per cent. more gold than now. I have had no occasion to use the money; it has lain in my desk; it has neither gained nor lost anything intrinsically; yet it will not pay off the very note which I gave for it by seven dollars, saying nothing of interest. This, then, is not only violating the validity of contracts, but as the creditors are generally the wealthy capitalists, and the debtors laborers, operators of moderate means, it is using the powers of the Government for the benefit of capital at the expense of labor—of the rich at the expense of the poor.

I know it is said that as gold, by the cheapness of its production, has depreciated in value, therefore by increasing the quantity in the same nominal coins in a like proportion, the creditor only gets the value of his credit notwithstanding he receives a greater quantity. This would be true of those debts contracted before the depreciation of gold commenced, but not of such as have since been contracted, of which is by far the largest proportion of the private debts now in existence; and in reference to those contracted before, the loss must fall somewhere, either upon the creditor or upon the debtor; for the debtor has probably received and saved up the means with which he proposes to pay the debt since the depreciation commenced, and of course received them at the present nominal value, and if he cannot at that nominal value discharge his debt, he must suffer the loss. Is this just? The poor debtor does not undertake to insure the creditor against the silent, but no less important and powerful changes of nature or of natural causes. If the currency had appreciated, the creditor would not have remitted one jot or title of what was nominated in his bond. A contract to pay in money is not different, so far as risk is concerned, from a contract to pay wheat or any other commercial commodity. The contractors stipulate the article, the quality and quantity. If it rises in value, the payor loses, and the payee gains. If it falls, then the payee gains, and the payor loses; each takes his risk. If it was the wheat contained in a hundred bushels instead of the gold in a hundred dollars, and that wheat was at the making of the contract worth one hundred dollars, and before the time of payment wheat should become scarce, and worth twenty per cent. more in price, would the debtor expect to pay or the creditor to receive any the less quantity; or if it should depreciate in value, would the one expect to pay, or the other to receive any the less? Each has taken his risk and must abide the consequences. Or would gentlemen throw the entire risk upon the poor laboring debtor, so that if it rises the creditor gains; if it falls the debtor must lose? This would be the effect. There would be no reciprocity.

Besides, sir, what shall the Government do? It has stamped and put into circulation these various gold coins at their nominal value. Shall it now repudiate its own currency, and refuse to receive it at the price at which it was issued? Shall those who happen to have the present coin on hand at the time of the change suffer the loss, or will gentlemen vote out of the Treasury a fund which will enable the Government to receive these coins at their nominal value, and replace them with those of a greater intrinsic value? This will still throw the burden upon the producing, the tax-paying people. On the other hand, do any of these evil consequences follow the change of the silver coins proposed by this bill? Not at all; for as our gold and silver coins are both legal tenders in payment of debts at their nominal value, the debtor has now the right to pay in gold at such value, which the creditor is bound to receive in discharge of his dues. This being the case, the debtor, although he may tender silver if he chooses, which the creditor must receive at its nominal value, yet as he can exchange that silver for a larger nominal amount in gold, which his creditor must also take, no debtor will pay in silver at its nominal value. This change, therefore, of the silver coins, does not injure the creditor, especially as we do not propose to make the new coins a legal tender in payment of debts, leaving it at the option of the creditor to receive them or not. He, of course, will not receive them unless they will be of as much value to him as the only present practical legal tender, gold, because he may still insist upon the gold. If, then, he does receive them it will be because they will answer his purpose as well, and be therefore of as much value to him as the gold. He then can suffer no loss. It will be no especial benefit to the holder of silver, because he may now sell his silver for gold in the market at its increased market value, and as he will not be permitted to take it to the Mint to be coined into these new coins—for they will only be made out of bullion purchased in the market for the Mint, under the direction of the Treasury—he can still only get for his silver the amount of gold it will bring in market.

This bill will not enhance the value of the pres-

ent silver coins. They have already been enhanced, when compared with gold, by natural causes. It neither increases nor decreases their value. It will leave that value as it is, to be regulated by the market, but it provides for making new coins for the convenience of the people, whose nominal value shall correspond somewhat to their real value, and pass currently at that nominal value by tale. It does not change the value of anything, but it gives new coins, with their actual intrinsic value marked upon them, which is not now the case with the present silver coins.

I know, Mr. Speaker, we are told if we will only wait patiently, this thing will soon regulate itself, and that the two metals will soon return to their former comparative value. I think those who thus content themselves have but little heeded the lessons of the past, and as little attended to the prospects of the future. They have but little studied the cause which has produced the difficulty, or they would see that it still continues, and to all human probability must continue with an increasing power. The cause, as I have before stated, is the cheap production of gold. The value of a thing where the production is unlimited, is in proportion to the labor required to produce and get it to market, compared to the labor required to produce other commercial commodities which are exchanged for it.

This is proved by the state of things existing in California and Australia, where the effect of the small amount of labor required to produce gold is directly seen by the increased quantity necessarily given in exchange for every other commodity produced by labor—in the increased quantity which has to be given for labor itself in other pursuits. Why? Because if labor in other pursuits did not command about the quantity of gold which that same labor applied directly to raising the gold would, it would immediately be withdrawn from those other pursuits and directed to raising the gold. Therefore, as much less labor is required now to produce gold than before the discovery of those mines, labor has been attracted to its production, the supply has been vastly increased, and the value, when compared with other articles, diminished. If the production of these new mines should now cease, the present supply of gold would not be diminished; and as before their discovery the production of gold kept pace with that of silver, there is no reason why the present relative value of the two metals should not be maintained, at least for some time to come. The evil which we now endure would still continue and would need a remedy; but so far from the supply from these mines ceasing, there is every prospect, as before observed, of its continuing in an increasing ratio. On the other hand, what have we to look to for the increase of silver? Nothing, except that quicksilver is a little cheaper from the discovery of new mines, the productions of which are not subject to the monopoly which has controlled that article heretofore, and some little improvements, perhaps, in the machinery with which the silver mines are to be drained and worked. So far, then, from the present evil remedying itself, it must be greatly augmented.

Another objection urged against this proposed change is, that it gives us a standard of currency of gold only. We sometimes become attached to old forms and usages, and obstinately insist upon continuing them, without considering the reasons for their adoption, or the propriety of their continuance. What advantage is to be obtained by a standard of the two metals, which is not as well, if not much better, attained by a single standard, I am unable to perceive; whilst there are very great disadvantages resulting from it, as the experience of every nation which has attempted to maintain it has proved. The constant, though sometimes low change in the relative values of the two metals has always resulted in great inconvenience, and frequently in great loss to the people. Wherever the experiment of a standard of a single metal has been tried, it has proved eminently successful. Indeed, it is utterly impossible that you should long at a time maintain a double standard. The one or the other will appreciate in value when compared with the other. It will then command a premium when exchanged for that other; when it ceases to be a currency and becomes merchandise. It ceases to circulate as money at its nominal value, but it sells as a commodity at its market price. This was the case with gold before the act of 1834; it is now the case with silver. Gentlemen talk about a double standard of gold and silver as a thing that exists, and that we proposed to change. We have had but a single standard for the last three or four years. That has been, and now is, gold. We propose to let it remain so, and to adapt silver to it, to regulate it by it. This is eminently proper. Gold is the production of our own country; silver is not. Let us use our own productions, and, so far as that use can, increase its value. Why should we leave our own to use the productions of a foreign soil, when we can gain nothing by so doing?

Another important provision of this bill is, that hereafter the Government shall make a charge of one half of one per cent. for coinage at the Mint, to defray the actual expenses. The bill also provides that the depositor may, at his option, have his gold or silver cast into bars or ingots, or formed into disks of standard or pure metal, of one, two, three, five, or ten ounces, and upwards, with the weight and fineness stamped upon them, for which the charge shall not exceed the actual cost of manufacture. This is what is usually, though not very properly, denominated a seigniorage.

Mr. BROOKS. I do not intend to interrupt the gentleman, but would ask what he designs to do with this bill when he has finished his speech? If he proposes to put it on its passage, it will be necessary to make some inquiries as he goes along.

Mr. DUNHAM. I am ready to answer any inquiry which may be put to me. I intend, at the close of my remarks, to call for the previous question, and leave the House to put the bill on its passage, continue the discussion of it in the House, or to refer it to the Committee of the Whole on the state of the Union, as it may see proper.

Mr. FREEMAN. I will ask the gentleman from Indiana whether he has the least idea of putting a bill of this importance on its passage without any discussion in the House?

Mr. DUNHAM. The question has been before Congress for nearly the whole of two sessions.

Mr. FREEMAN. Before your committee, I suppose.

Mr. DUNHAM. It has been before the Senate, and this particular subject of seigniorage has been discussed upon one side, at any rate, in this House, as the gentleman from New York [Mr. BROOKS] will recollect; and if he does not, I will endeavor to remind him and the House of a speech delivered by him upon it, at the last session.

Mr. BROOKS. With the gentleman's permission, I will state that a proposition for seigniorage was then introduced, and on a vote by yeas and nays received only fifty votes in the affirmative.

Mr. DUNHAM. I am happy the gentleman has reminded me of that fact; I will endeavor to give the gentleman some reasons why it then received so little favor here. It will be recollected that the gentleman made a speech against it, upon an occasion which allowed no opportunity to reply. I will now endeavor to satisfy the House that his arguments were founded in fallacy, and that he was much mistaken in his facts.

Mr. FREEMAN. As the gentleman designs putting this bill on its passage by calling for the previous question, I desire to propound an inquiry to him. I consider any change in the metallic currency of the country would interfere greatly with the interests of the people. Now, the gentleman has stated that gold is now the standard of value in this country, and that silver was much more valuable than gold, and, therefore, I take it, not the standard of value.

Mr DUNHAM. Yes, sir; precisely.

Mr. FREEMAN. But in order to bring silver down to the standard of value, he proposes to depreciate the silver currency of the country. Every member of the House will see that that is a very important change, and one the people of this country will not willingly submit to. The question of a change in the value of existing American coin, is not one, however much it may be discussed in this House, which has been assented to by the voice of the people of the United States. I hope the gentleman will not undertake to cut off discussion on this subject. However well-informed he may be, he should recollect that there are inferior minds who cannot grasp so great a question as quickly as the committee to which he belongs. We should have an opportunity to examine.

Mr. DUNHAM. I am obliged to the gentleman for his compliment. There are some gentlemen who, from their manner at least, think they understand these questions as well as the Committee on Ways and Means. I do not want to force the House to anything, and if there be any general objection to the call for the previous question, I shall not make it. I designed giving the House the opportunity to pass this bill, or to refer it, which will be to defeat it, as to it seemed best. I am sure there is nothing unfair or improper in that.

But I wish to reply to one remark of the gentleman right here. I repeat, we do not change the whole *present* silver currency of the country. We do not depreciate it. We do not propose to change its value in any way. We do not propose to recoin the whole silver coin of the country. We propose to leave the existing coin where it now is; where it has been for at least the last three years; that is, leave it to sell in the market for its value as merchantable bullion. We propose to buy as much of this merchantable bullion, at its actual market value, as may be necessary, and out of it to make and put in circulation, for the convenience of those who want it, a new coin, of the same denominations, to be sure, but of a different weight and value, the stamp upon which shall truly indicate its value.

Mr. MILLSON. I wish to make a suggestion to the gentleman from Indiana, which I trust will meet with his approval, as I doubt not it will meet with the concurrence of the House. This is really a very important bill, and I am sure the gentleman himself would not desire the House should pass on it without the opportunity for mature examination. I merely suggest to the gentleman that, instead of terminating the debate and forcing the House to a vote, he will allow the bill, by general consent, to be referred to the Committee of the Whole. Then he may move a reconsideration of that vote, which he may call up to-morrow, and thereby make the bill the first one in order for discussion, and give the House an opportunity of examining in print the amendments which have been proposed to the bill by the Committee on Ways and Means, as well as those submitted by the gentleman himself.

Mr. DUNHAM. I have remedied the whole difficulty. I have already made a motion which will keep this bill before the House. I have no desire, I repeat again, to force this bill to a vote in the House; and I say again, if there is any general objection to my calling the previous question, I will not do it. Certainly, the House have it in their power to vote down the call for the previous question, or not. I hope that gentlemen will not further interrupt me, until I get through with the general remarks which I wish to make in explanation of this bill, and then I am willing to answer any question which may be put.

To return to the question, I repeat, sir, we propose to impose a charge or seigniorage upon the coinage of gold and silver, to cover the actual expense of the coinage, instead of defraying that expense, as heretofore, out of the public Treasury. This is a very important provision, and notwithstanding the gentleman tells me there was at the last session a vote of fifty only in favor of it, I trust gentlemen will give it their careful consideration, and that it will in consequence meet with much more favor at this time. What do we propose?

Mr. BROOKS. Let me correct the gentleman in point of fact. He proposes to levy only the actual expenses of the coinage. The amount of coinage at the Philadelphia Mint was, last year, about $50,000,000. One half of one per cent. seigniorage will be $250,000 annually. The expenses of the Mint at Philadelphia, as I stated and proved the other day, are now nearly obtained out of the depositors, because the Mint, in the estimates, demands $250,000 as the expenses for maintaining itself, and says, at the same time, that it only wants only $48,000 out of the public Treasury, leaving about $200,000 to come out of the public. Now, this bill proposes to add $250,000 more, to come out of the depositors, making $410,000.

Mr. DUNHAM. The gentleman has fallen

into an error; in this, that he has taken the appropriation for the Mint at Philadelphia alone as the appropriation for the whole Mint establishment—the Mint at Philadelphia and all the branches. In discussing this question of seigniorage, I propose first to inquire what coinage is, its object, and effect? I apprehend that much of the opposition which exists to the charge of seigniorage results from the want of a proper understanding of the nature, purposes, and effects of coining. Coining does not fix or control the value of the currency. It is a simple manufacture of the metals into pieces of a convenient form and size, and marking upon each its respective quality and quantity. For instance, when we see an American silver dollar, we know by the stamp upon it that it has been examined and tested by the proper officers, and that it contains four hundred and twelve and a half grains of silver nine tenths fine. When we see a gold dollar, we know in the same way that it contains twenty-five and eight tenths grains of gold of the same fineness of silver, (nine tenths.) This does not fix its value, but it simply marks quality and quantity, for the convenience of those who have occasion to receive or pay it, and saves them the trouble of having to examine its quality, or weigh it to ascertain its quantity. The value is then known by the market, and it is paid and received accordingly.

The law fixes the quality and quantity of metal in our coins, and when parties do not themselves in their contracts stipulate the quantity and fineness of these metals, which are to be paid and received, which they may always do, but stipulate the name and number of the coins, the law supplies the hiatus by presuming that the parties mutually referred to the law, made it a part of their contract, and meant the quality and quantity of the metal contained in the stipulated name and number of coins. Thus, when one agrees to pay and the other to receive a hundred dollars, the full terms of the contract, as construed by the law, are to pay and receive the number of grains of gold or silver of the legal standard (nine tenths fine) contained in one hundred dollars. This being the case, who ought to pay the expense of the coinage, of this manufacture? Should not those who are benefited by it, and in proportion to the benefit they receive? Will any gentleman tell me why a man who only receives and pays out one hundred dollars of this coin in the course of a year should pay as much and perhaps more of the expenses of maintaining this Mint than the one who may handle ten thousand or ten millions? And yet this may be the case so long as we raise our revenues by a tariff, and the expense of the Mint is paid out of the Treasury. If we charge upon the coinage a seigniorage sufficient to defray that expense, we make those who have the benefit of the manufacture pay the expenses of it.

When you change bullion into coin, into a form which you may more conveniently use, it is just as much manufactured as if you had manufactured it into jewelry. He who has the benefit of the manufacture should pay the expenses in one case as much as in the other. When the bullion merchant takes his gold or silver bullion to the Mint, and has it manufactured into coin, that coin is worth just as much more than the bullion as the labor is worth which has been expended in its manufacture, and consequently he should pay for that labor. It is for his convenience when he comes to pay it out to others. It saves him the time and labor which would otherwise have been required to weigh it. It saves him the time, labor, and annoyance which it would have taken to ascertain and agree upon its fineness. It saves all dispute as to quantity or quality. This is worth more than the cost of manufacture. It makes his commodity worth that much more. He can, therefore, afford to pay for it, and he ought to pay for it. When he parts with it, it will bring him that much more; for as the person who will receive it will have all the convenience of the manufacture, he will allow for its enhanced value. The labor employed in the manufacture becomes incorporated into the article as much as the raw material, and like it contributes to its intrinsic value, and like it passes from hand to hand in its circulation. There can be no loss of the seigniorage so long as the coin remains, for whoever possesses that has the benefit and value of the manufacture, and has allowed in receiving it for the enhancement of value which that manufacture caused. It can only be lost when the coin, by accident or design, shall be reduced to bullion again, and this labor evolved (if I may use the expression) and lost to him who should be so unfortunate as to meet with accident, or so stupid as to conceive the design.

It is possible that coin may be remelted into bullion without loss to the holder, notwithstanding a charge for coinage may have been exacted; but this can only happen when the production of gold is limited, and the demand for it for other purposes than currency is greater than the need of it for currency; and then the holder of the coins can suffer no loss, as the bullion in them will be worth as much for those other purposes, as the coin is worth for circulation. But so long as the production of the metal is unlimited this cannot happen, as the demand for those other purposes will be met with the increased production of the raw material. Impose a charge for coinage, then, equal to its cost, and there can scarcely be an over coinage, as no one will ordinarily have an article fabricated unless its value when manufactured is equal to the value of the raw material added to the cost of manufacturing. There can be no danger of a short supply, because so long as the article is worth this, it will be made. Impose this charge, and you at once put a stop to our present immense coinage at such an enormous expense to the Government, induced and fostered by our free system, merely that the coin may be put into boxes and sacks at the Mint and sent without emptying to the melting pots of Europe. When an hundred ounces of coin has cost and is worth as much more than an hundred ounces of bullion as it has cost to make it into coin, that coin will no longer be remelted into bullion.

We are coining over fifty millions a year. Who is so simple as to suppose that this is for circulation among our own citizens? Who so simple as to believe that even the largest portion of it is now in the country? Who does not know that we have been defraying the expense of this immense coinage for the convenience and profit of New York brokers? Is it not time to put a stop to this? Is it not time that those who derive the profits of this coinage should pay the expense?

But, sir, we are told that the Government monopolizes and controls the coinage, and should, therefore, bear the expense. That must be a curious monopoly where the monopolizer pays all the expense, and those upon whom it operates have all the profit. The Government forces no man to bring his raw material to the Mint to be coined. He may bring it or not, as he pleases; he will not bring it unless it is to his interest. If he brings it, the Government puts its stamp upon it, but it does not prohibit him from putting his own upon it and selling it, or from having it manufactured into plate or jewelry. The Government stamp may increase its value, but it cannot diminish or limit it, for we see silver with that stamp upon it selling above the stamped price. The law says that his creditors shall take this coin in payment of their debts, but it does not say that they shall receive no other. It says that they shall take it at the value marked upon it; it does not say they shall allow no more for it. It may, therefore, be to his advantage to have his bullion manufactured into coin, but it cannot be to his disadvantage. Why, then, should the Government coin it free any more, I repeat, than it should make it into plate or jewelry?

But we are told it is for the general good of the people that there should be plenty of coin; therefore the Government should pay for the manufacture. So it is that there should be plenty of iron, flour, and salt. Shall the Government pay for their manufacture also, or shall those pay who use them, that have the benefit of them? And if because it is useful to have an abundance of gold coin, the expense of the manufacture should be paid out of the Treasury, so as to encourage gold to come into the country to be coined, why should not the freight from California and Australia be also paid out of the Treasury? Why should we not pay a premium for its production? Nay, why not have it dug at public expense? And all to what good, when the irresistible laws of trade immediately sweep it away, and distribute it among the commercial nations of the world, in proportion to their wealth and the frequency of the exchange of that wealth, leaving no traces of its having passed through our dominions other than an empty Treasury, and the profits of Wall street brokers, ship-owners, insurance and express companies? Might we not as well at once pay these profits out of the Treasury?

The gentleman from New York, [Mr. BROOKS,] in a speech which he made a few months ago, talked most learnedly about this seigniorage being a "relic of feudality." He said that it ought to belong to the Grand Seignior, because it is seigniorage. Indeed, he talked so very learnedly about feudalities and feudalisms, that I almost imagined that he was himself a relic of those ancient times when men talked most flippantly about that which they least understood. Does he not know, does not this House know, that seigniorage then meant something very different from what it does as used in this bill? Then it was a tax upon the coinage to replenish the treasury of the feudal lord; here it means simply a charge, not for a revenue, but for the actual expenses of the manufacture of the coin. The gentleman seemed to me to under-estimate very much the intelligence of the House, when he sought to appeal to your prejudices, by talking about such a charge as being a relic of the feudal times of antiquity, in order to deter you from adopting it, though it might be ever so proper and judicious in itself.

FEBRUARY 2, 1853.

The bill being again under consideration—

Mr. DUNHAM. I wish to inquire how much time I have left?

The SPEAKER. About fifteen minutes, according to the recollection of the Chair.

Mr. DUNHAM. I am sorry it is so short, and I will endeavor to condense my remarks as much as possible.

Mr. Speaker, the first thing to which I wish to call attention this morning, is a matter to which the gentleman from New York [Mr. BROOKS] alluded on yesterday. His statement was, that we did not require one half of one per cent. seigniorage to pay the expenses of the Mint, and stated the fact that the Mint at Philadelphia only asked an appropriation of $48,000 out of the Treasury to defray its expenses for the next fiscal year, in addition to the profits it now derives from coinage. It is very true that that Mint only asks an appropriation out of the Treasury of $48,000 for the next fiscal year; yet its whole expenses will be considerably more than that. For instance, during the past year—and it is a matter to which I wish to call the especial attention of the House—there have been coined at Philadelphia 18,663,500 three-cent coins, making $559,905; as these coins are of the proportionate weight to our other silver coins, and are made of metal only seven hundred and fifty thousandths fine, instead of nine hundred, the proper standard, their nominal is twenty per cent. above their intrinsic value, or in other words, they are actually worth but two and a half cents each. Therefore, as silver is received at the Mint at its proper value, and made into these coins, which are then paid out by tale at their nominal value, the profit from this source last year was over $100,000. This is what I call a seigniorage, and a very heavy one, too. There is also a profit of the same character arising from the copper coinage, and a charge for refining or parting the metals. These profits go towards defraying the expenses of the Mint.

The estimated profits from the coinage of three-cent pieces, for the next fiscal year, is $70,000; if, however, we should change the fineness of that coin to the regular standard, which I think we ought, by all means, to do, we must add this amount to the $48,000 to be appropriated out of the Treasury; and if the gentleman had taken the pains to examine, he would have discovered that this sum was asked upon the estimate that there would remain, unexpended, of the present year's means, to commence the next, $38,000, which must also be added, making, in all, $156,000, to come out of the Treasury for Philadelphia alone. If we pass this bill making these new coins, and do not change the standard of the three-cent pieces, there will still be less demand for them, and hence less profit from their manufacture. But, sir, this bill does not propose to apply the revenues from this seigniorage entirely to the

expenses of that particular Mint or branch at which they are raised. It will make them a common fund, out of which the expenses of the coinage at the Mint, and all of the branches, are to be defrayed, irrespective of the place of collection. Now, sir, we know that it will cost a larger per cent. to coin money in California, where provision has already been made for a branch Mint, than at Philadelphia, as it now does at the branches at New Orleans, Dahlonega, and Charlotte. Whilst it costs less than one half of one per cent. at Philadelphia, it costs about three per cent. at Dahlonega and Charlotte. And I will suggest here, that the sooner we abolish those two, the better for the Treasury and the country. We are continuing them at a large annual expense, when neither of them coins in a whole year as much as the Mint at Philadelphia does in two days. They ought to be abolished at once.

The ordinary expenses of the Mint at Philadelphia for the fiscal year '51-'52 was $271,213 95, of which $75,000 was appropriated out of the Treasury, and the remainder was obtained from its profits or reductions, of which, as before stated, over one hundred thousand dollars were received from the coinage of three-cent pieces. The amount expended out of the Treasury at the Dahlonega branch, was $10,800; at the Charlotte branch $10,615, and at the New Orleans branch about $98,000. If we abolish the three-cent profits, the amount to be met during the next fiscal year out of the Treasury or by seigniorage, for ordinary expenses, according to the estimates of the Treasury Department, will be, for Philadelphia $156,000; for Dahlonega $11,000; for Charlotte $11,600; for New Orleans $121,000; making the whole amount of expenditures to be met from the Treasury or by seigniorage $299,600. I presume it is known to the House that three-cent and cent coins are only made at Philadelphia.

Now, sir, the coinage for the calendar year 1852 was:

At Philadelphia	$52,403,669
At New Orleans	4,622,000
At Charlotte	396,739
At Dahlonega	473,815
Total	$57,896,218

A seigniorage of one half of one per cent. would be $289,481 09. So that supposing the future rate of coinage to continue equal to that of the past year, the gentleman from New York and the House will see, that if you hereafter make your three-cent pieces of standard metal, the seigniorage proposed by this bill is not exorbitant, and will not defray the actual expenses of the coinage, much less yield a profit to the Treasury. It is true if this bill shall pass, so as to authorize this proposed new silver coinage, an income by way of profits will, for two or three years, be derived from that, in addition to this seigniorage, but this will not long continue. The expenses of the California Mint will also have to be added, when it shall he put into operation.

There is another large loss to the Government from the present system of coinage. The bullion fund kept at the Mint for the convenience of depositors is about $6,000,000. This fund is to enable the Mint to receive the bullion of the depositor, assay it, and ascertain its value, and at once pay him for it in coin, which is usually done in a few hours, thus saving him from delay and loss of interest. The interest on this fund alone is a loss to the Government, for the benefit of the depositors, of $360,000, for which no charge is now made, nor is proposed to be made by this bill.

Sir, I wish, before leaving this subject, to again call the attention of the House to the enormous coinage of these depreciated three-cent pieces—over half a million of dollars in a single year. Why, sir, if we do not soon make some change in our other silver coins, the whole silver currency of the country will soon consist of these three-cent coins and the old worn-out clipped Spanish coins, whose intrinsic value is depreciated about twelve per cent. on an average.

Mr. OLDS. And yet such is the demand for small coin they pass current.

Mr. DUNHAM. Yes, sir; the demand for silver coin for change is so great that they readily pass current, notwithstanding this vast depreciation. Which is the best, I submit, to leave things thus to go on, and compel the people to use these old, worn-out, depreciated coins, to have the country filled with these debased three-cent pieces, or to make a currency of the proper standard, adequate to the wants and conveniences of the people? The manufacture and circulation of these three-cent coins should satisfy gentlemen that even a high seigniorage will not drive the metals from your Mints, when the business and wants of the people require them to go there for manufacture, and that a small reduction of the quantity of metal in a coin does not prevent its circulation when it is made up by its convenience. That convenience causes circulation as well as the intrinsic value.

We are told if we make this charge for coinage we shall drive the productions of our gold mines from our own to the British Mint for coinage. Well, sir, if it must eventually go to the English market, is it not better that it should go there directly, rather than it should be brought this way merely to be stopped here in transitu long enough to be coined, at such immense expense, and then go immediately to that market? If it must go there—if the laws of trade require it to go there, it will go, and it is better to let it go as bullion than as coin, when, as the gentleman from New York himself shows, the impress of our eagle is effaced so soon as it touches British soil. This charge for coinage will send no more gold to England, will not control the laws of trade, will not cause importations or exportations. Gentlemen will find proof of this in silver. We coin silver here free, but in England they charge a seigniorage of some nine per cent. If you take a pound of standard silver to the Mint, they coin it into sixty-six shillings and give back sixty-two shillings—keeping four shillings to pay for the coinage; or, which is in effect the same thing, they buy silver at sixty-two shillings the pound by tale, and coin that pound into sixty-six shillings. You may call it seigniorage, or just what you please, but they make so much by the coinage.

Mr. BROOKS. You said upon gold.

Mr. DUNHAM. Oh, no; you misunderstood me. They buy an ounce of gold at £3 17*s.* 9*d.*, in Bank of England notes, and they coin that ounce into £3 17*s.* 10½*d.*, which is one and a half penny, or about three cents seigniorage upon the ounce.

Mr. BROOKS. Will the gentleman allow me to interrupt him for a moment?

Mr. DUNHAM. I should be glad to do so, but I cannot, for I have very little time left. There is also a seigniorage of one and a half per cent. upon the coinage of silver in France, and there is a seigniorage upon the coinage of silver by every other civilized Government, so far as we have any reliable account. Yet we find this silver bullion not coming to the United States where we coin it free; but forcing its way to Europe, or being drawn thither by the wants of commerce and the irresistible laws of trade, to Mints imposing this enormous seigniorage. This shows that seigniorage cannot control the exportation or importation of silver bullion. Every man who at all understands the principles of political economy, must see in a moment, that where property has to be exchanged by means of a circulating medium—where commercial necessities require a circulating medium, there will be the demand for the material which composes, and there will it go.

The gentleman says that where the bullion of the world goes, there will go the commerce of the world; and he seems to infer that the gold takes with it the commerce. But is not that a most absurd proposition? Does not the bullion go where the commerce exists, and where it requires that bullion for a circulating medium for the convenience and necessity of that commerce? The gentleman takes the cause for the effect. This seigniorage will have only this influence upon the exportation and importation of gold and silver: it will induce those who desire to make payments in Europe to make them in bullion; or, if made in coin, it will tend to cause the reimportation of that coin; for if, as before stated, it is worth as much more than the bullion from which it was made as the cost of manufacturing, he who exports it to a market where it is only recognized as bullion, will lose that much, and he who reimports it from such a market to where it can again be used, and is needed as currency, and therefore where it is again worth as much more than the bullion as that cost, will derive a profit. The result will be, that in a few years we shall have an abundant supply of specie currency for the convenience of the country, and a comparatively small coinage will be sufficient to maintain it, whilst now we have an immense coinage at great expense, but a deficiency of specie for circulation.

DELAY OF PUBLIC BUSINESS.

SPEECH OF HON. G. S. HOUSTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1853,

In reply to Mr. STEPHENS, of Georgia, concerning the causes of delay in the transaction of the Public Business.

The CHAIRMAN. The time fixed by the House for the termination of debate on this bill has now arrived, and the gentleman from Alabama, having reported the bill, is, under the rules, entitled to address the committee on it for one hour.

Mr. HOUSTON said: Mr. Chairman, on yesterday when this bill was taken up, it was not my intention to occupy any portion of the hour to which I am entitled under the rules; but the character of the debate which has taken place makes it to some extent necessary that I should make, at least, a brief explanation, and, at the same time, to give, with all proper respect to other gentlemen, my opinion as to the causes of obstruction of the public business.

I regret that the gentleman from Georgia [Mr. STEPHENS] thought it proper for him to make an assault upon the organization of this House. It seemed to me that his remarks did not come legitimately within the range of a proper debate, and so far did he, in my view, travel out of the line of pertinent discussion, that I am almost led to believe he had some other than the ostensible object in view. I did not suppose that the relations between the honorable gentleman and the Speaker, or between him and the committees of the House, were of such a character as to induce so severe a criticism as that in which he has seen fit to indulge. I am willing to admit that I have not discharged my duty to my own entire satisfaction. I take it, we have but few members who have discharged their entire duty. We all have short-comings. The frailties of our nature are such as to render it almost impossible for any of us to come fully up to our sense of duty. The gentleman possibly reaches the standard fixed by himself. If he does, I congratulate his constituents on having a representative here who, at all times, discharges his duty as the representative of their interest in this House.

I desire to say, in the beginning of my remarks, that upon no occasion during this Congress have I made a motion or given a vote for the purpose of delaying business or postponing proper action on any proposition; and for the correctness of this statement, I appeal to the members, as well as to the Journals of this body. I have usually been punctual in my attendance upon the meetings of the Committee on Ways and Means, and also of this House. I have generally voted upon propositions that have arisen, and in everything (I feel that I can properly say) I have faithfully labored to discharge my duty, and to prove myself worthy of the trust which has been confided to me by my constituents and by this House.

Mr. Chairman, I hope I may be excused for recurring very briefly to the action of this Congress. At the first session, after the formation of committees, every member knows, and none better than the gentleman from Georgia, that the public printing (necessary to enable committees to investigate subjects committed to them) was not executed in due season. The printing of that session is not, up to this period, entirely completed. All of the bills upon which the Committee on Ways and Means could act, in the absence of that printing, were reported to the House within the thirty days prescribed by the rules; and I, as its chairman, was instructed to report to this body, that the reason why some of the bills could not be reported within the prescribed time, was, that we could not examine the various items which they

contained in a satisfactory manner without the necessary public documents. I made that report.

If the honorable gentleman had been disposed to accuse me of delinquency, then would have been the time for him to have done it; and it does seem to me as singular that he has postponed the performance of such a task until the close of the Congress, when we are within a few days of separating. If the gentleman will take the trouble to institute an examination, he will find that the Committee on Ways and Means, at the last session, reported the appropriation bills within the usual time, notwihtstanding the difficulties and delays to which I have already called the attention of this committee. The fortification bill was reported as late as July or August. During this session the public printing has been more promptly executed, and the Committee on Ways and Means have, consequently, had better facilities for the investigation of the subjects which have been committed to their charge. Hence, not only the four bills required by the rules to be reported within the first thirty days, but every one for which estimates had been submitted, were reported within that time.

The estimates for the Post Office appropriation bill, as well as those for the ocean mail steam service, were not submitted to Congress until late in January, and within a few days after those estimates were sent to the House of Representatives, the Committee on Ways and Means reported those bills. The question then presents itself, if the bills were thus reported, why were they not acted upon? That brings up the whole difficulty—that is the matter of controversy which has been occupying the attention of the House for the last day or two. Early in March a special order was made, and, with the exception of a few days, special orders were continued, for a portion of the day from that time until about the close of the session. The homestead bill became the special order of the day on the 2d of March, and it was continued until the 12th of May, at which time it passed this House. I do not mean to say that the merits of the bill itself were discussed every day, but that most of the time that measure was ostensibly under consideration.

On the 24th of May, Congress made another special order, appropriating the morning hour to the reception of reports from committees, to the exclusion of all other business. Under that special order the morning hour was mostly occupied for the residue of the session, and not only the morning hour was thus employed, but occasionally bills coming before the House under that order would occupy the whole day.

The question may be asked, why the homestead bill was so long under discussion, and especially when the merits of the proposition were seldom examined in the course of debate? If that question be asked of me, I will turn the inquirer over to the gentleman from Georgia, [Mr. STEPHENS,] who (as he will remember) voted against and opposed closing that debate, and thereby prevented the House from having an early vote upon the bill and proposed amendments. I thought at the time, and the gentleman himself seems to think now, judging from the course of remark in which he on yesterday indulged, that much the largest portion of that discussion was irrelevant, and therefore useless for any legislative purpose. Upon the occasion when an effort was made to close debate on that bill, so late as the 20th of April, the gentleman voted against it—thereby aiding in a defeat of a proposition looking to the dispatch of business. The gentleman interrupts me now, and says it was a very good discussion, and that he did not vote to stop it at last. Let that be so; I propose to show that he has generally been with those who have opposed efforts to close debate, and in that way has himself been instrumental in the delay and obstruction of business. I am in favor of free and full debates. I like to hear propositions connected with our duties here thoroughly investigated, but I have generally been for closing the debate when it wandered from the issues legitimately arising from the proposition under consideration. My recollection is that the gentleman has usually pursued a different course.

Aside from the special orders to which I have already referred, there were various questions connected with the public printing which came before the House under one of its rules, which authorized the Committee on Printing to report at any time, and in that way making the report a privileged question. After the reports were made, they were generally (and I believe in every instance) debated in the House, and for the time precluded action upon anything else. Gentlemen will remember that the printing propositions created great warmth of feeling on all sides of the House—so much so that the House would not pass from them to other things, even if it had been in order to make a motion for that purpose. During all of the time covered by special orders it was not in order to move the consideration of any other subject—it required unanimous consent to pass from them. The reports from the Committee on Printing in many respects are very similar in effect upon other business to a special order. These were causes of delay at the first session of this Congress, which, under the circumstances, could not well be avoided. Those special orders were made at a time when, I take it for granted, it was not the expectation of the House that they would occupy so much of its time and attention; but when made, they were fastened upon us, and we could not relieve ourselves from the difficulty without obtaining a vote which, under ordinary circumstances, could not be obtained. The gentleman from Georgia in his remarks on yesterday drew a contrast between the condition of things now and the condition of things twenty-five years ago. He said that we ought to have such statesmen here now as we had then. My friend should remember that it is not every district which, in that particular, is equally blessed with his. When the people of a district do the best they can, they should not be assailed either directly or through their representative for having furnished members who do not happen to come up to the high standard of statesmanship set by other gentlemen. I do not think, however, the gentleman's contrast is sustained by the record, and if members of this committee will refer back to the action of Congress, from a very early period of the Government, they will find that at every short session of Congress, the appropriation bills became laws in the very last days of the session in nineteen cases out of twenty—from 1795 up to this time. So far, then, as the gentleman drew a contrast to the disadvantage of Congress at this time, his comparison does not hold good, and is not warranted by the history and facts of the case.

Mr. STEPHENS, of Georgia. Will the gentleman allow me one word?

Mr. HOUSTON. Certainly.

Mr. STEPHENS. I was not speaking yesterday particularly of the appropriation bills. I was speaking of the vast accumulation of business upon the Speaker's table, which was blocking up everything, and which we all understand. But the gentleman speaks particularly of the appropriation bills. I think he will find himself in an error in regard to the statement he has made. It has been usual for those bills to pass the last day of the session, I grant that; but it has not been usual that they should be so long delayed in this House. They have usually passed this House at an early stage of the session, gone to the Senate, come back, and remained over for amendment. It is usual, and it is not improper, as the gentleman stated this morning, that they should pass the last days of the session, but they ought to have been discussed in this House before and investigated. We are within a few days of the adjournment, and the civil and diplomatic bill is to be forced upon us. A resolution was passed this morning to close debate in one hour upon a bill appropriating millions of dollars. Two months of the session gone, and there has been no investigation of the bill, which is not even read by sections at the Clerk's desk. The chairman of the Committee on Ways and Means asked to take it up without a first reading, and voted for a proposition to close debate upon it in one hour. That is his system of legislation, of which I complain.

Mr. HOUSTON. The gentleman is mistaken in his facts again. I did not propose to close debate in one hour.

Mr. STEPHENS. I do not say the gentleman did. I say the House did.

Mr. JONES, of Tennessee. I proposed the resolution to close this debate. There were some two or three hours yesterday consumed upon this bill, and if any solitary speaker touched a clause in it I am not aware of it.

Mr. STEPHENS. I spoke of the resolution introduced to-day which was to stop debate in one hour. I did not say that the gentleman from Alabama moved it, but I say that he voted for it and the House sustained it.

Mr. HOUSTON. The gentleman understands me and I do him. If his remark is worth anything, it will convey to the House and the country the idea, that there was only one hour's debate allowed on this bill, when the fact is, the bill occupied all day yesterday, except some business in the morning. The gentleman made a speech upon it, and had an opportunity to discuss its features and provisions. Did he propose to ascertain the propriety of appropriating "the millions" of which he speaks? Did he touch the question of these millions at all? Did he propose to call the attention and consideration of the House to any provision of the bill? He did not. Then why should he complain? I did not intend to dispute with the gentleman as to who offered the resolution closing debate—I was not attempting to play upon words. I speak of the resolution offered by the gentleman from Tennessee, [Mr. JONES] as a movement of the House, and say that the gentleman is mistaken in his understanding of the facts. It is a mistake to say that debate was stopped on this bill in one hour. There were several hours allowed; and if gentlemen have shown a disposition to debate anything and everything except the bill, then debate should be closed. But the gentleman says I asked that the first reading should be dispensed with. Does he not know that such is the usual practice with appropriation bills? When did an appropriation bill come up in Committee of the Whole that the first reading was not dispensed with by unanimous consent, and its second reading proceeded with for amendments?

Mr. STEPHENS. I dislike to interrupt the gentleman, but I never knew the first reading dispensed with. I recollect very well in the last Congress that the honorable gentleman from South Carolina [Mr. BURT] held that it was out of order to make such a motion, and the whole bill was read through in the House.

Mr. HOUSTON. I will not speak of the last Congress. I was not here. The gentleman from Georgia has certainly paid but little attention, in Committee of the Whole, to the appropriation bills. I assure him that so far as I am concerned, I have taken up no appropriation bill since I have been a member of the Committee on Ways and Means, in which we have not, by unanimous consent, dispensed with the first reading. This, however, is an unimportant matter, and I would not have noticed it but for the fact that the gentleman alluded to it as if it were a new thing under the sun, and for the purpose of creating the impression that I am asking the House to do an unusual thing in the progress and dispatch of the public business. But the gentleman says that the appropriation bills have usually passed before this time. In that he is also mistaken. I may not know what he means by "usually." I am at a loss to know whether he intends to apply it to the last Congress, to the Congress before that, or to all preceding Congresses. I have not had an opportunity of examining very carefully upon that point; but I know that at this period of the last Congress, the bills were not so far advanced as they are now, and at the Thirtieth Congress they were but little if any in advance of those bills at a corresponding period of this. It is true that some of the bills that are now unacted upon by the House, were in that Congress disposed of earlier in the session than this; but some of the bills that have been acted upon by the House at this session were unacted upon at the same period of that Congress. It is therefore difficult to say what is usual in regard to the time at which the appropriation bills pass the House.

The gentleman says "everything is pell-mell;" that there is great confusion; that the Speaker fails to do his duty; there is a want of confidence in the heads of committees; the organization of the House is defective; and he gives these things as the cause of the obstruction of business in the House. Mr. Chairman, I would like any gentleman to tell me how the Speaker, or any committee or member of the House, could have cleared the Speaker's table?

Was it possible? Is it possible now? If so, point out the course. Could it have been done in any other way than by the coöperation of a majority of the members of this body? Sir, the responsibility is upon that majority who have cast the votes, and not upon the Speaker, or upon any particular committee or member. My friend from Georgia understands this as well as any one else, and his failure to present it constitutes my main objection to the course of remark in which he has indulged. I think he has failed to present a full statement of our condition, and the causes which led to it. If he had felt it his duty to present more fully the working of our rules, as well as the responsibility of the Presiding Officer, the heads of committees, and the members constituting the House, showing the responsibilty of each, I would have been content to let it pass without comment or reply. I feel that he has not done that; hence I have to commit this trespass upon the time and patience of the House.

The gentleman said the chairmen of the committees ought to have influence enough to get the business before the House. Sir, the appropriation bills are all before the House, and were reported in due time; no one questions that. My own duty, as well as that of the committee over which I have the honor to preside, has been punctually discharged, as well as I or the committee could perform it. The Committee on Ways and Means have gone through a vast deal of labor and investigation in preparing its bills for the action of the House. The bills now upon the Speaker's table are not measures which have proceeded from that committee. They are not bills over which I or that committee have control beyond that which may be exercised by other members; and the Speaker's table cannot be cleared, unless a majority determine that it shall be done, by proceeding in order. If a majority of the House think proper to go to that business, they can do so each day after the morning hour; and if that majority decide to transact other business, with them rests the responsibility, and it is idle to attempt to charge it upon the Speaker, or upon the committees, or individual members.

Mr. Chairman, there are other causes which operate to obstruct and defeat legislation beside those to which allusion has been made. It is not always that even a majority of those who may be present are able to dispatch business. We very frequently find ourselves without a quorum, and have to resort to calls of the House for the purpose of securing the attendance of the number necessary to transact business. And in this connection, I propose to call the attention of gentlemen to a fact, which not only illustrates the view I am endeavoring to present, but also furnishes a very strong commentary which may be useful to my friend from Georgia.

The gentleman from Georgia, on yesterday read some of us a lecture for not discharging our duty, and afterwards, while we were endeavoring to transact business, he absented himself, so that when the committee rose, we found ourselves in the House without a quorum, and consequently unable to pass the Post Office appropriation bill, in part for want of the attendance of that gentleman. He lectures us, and then retires, leaving the House without a quorum, and rendering it unable to take a single step in legislation. Nor is this all. Upon reference to the Journal of yesterday, it will be found that we were occupied for three quarters of an hour, probably longer, in the morning in calling the House, endeavoring to get a quorum. Was the honorable gentleman from Georgia at his post? Where was he? Where was he in the evening? I was here, endeavoring to act upon the measures before us; my friend was not; and although my efforts may be unavailing, and have been too much so to secure the dispatch of business as I desired, yet I am generally here when the House is in session, ready to do what little I can; and if we could only secure the attendance of the gentleman from Georgia, with his ability and his disposition to expedite business; if he would fully act out what we have a right to infer from his remarks, I flatter myself that we should be able to clear the Speaker's table before the end of the session, and accomplish for the good of the country much other necessary legislation. Let us in future, then, have no occasion for a call of the House. Let us obviate the necessity of such a proceeding and the consequent delay of business, by attending every morning at the hour of meeting, and remaining at our posts until the period of adjournment. But I suppose the Speaker is to blame because the gentleman from Georgia was not in his seat yesterday morning? And the Speaker is also to be unceremoniously arraigned and censured because that gentleman did not stay here yesterday afternoon to aid us in passing the Post Office appropriation bill. Or perhaps his absence is chargeable to the heads of committees, or the organization of the House. I should like to know what control the Speaker has over the outgoings and incomings of gentlemen.

Mr. Chairman, in my opinion another great cause of the delay of business is what the gentleman from Mississippi [Mr. NABERS] very properly calls "Buncombe speeches," presidential harangues—party speeches—such debate as was had upon the homestead bill, (except a few of the speeches on that bill,) which the gentleman now says was a very proper one. It was eminently proper, in the estimation of the gentleman, to consume time upon that measure in debating whether General Scott was in the keeping of Seward, or the Democratic aspirants were true to their constitutional duties!

I understand the gentleman as calling that a proper discussion upon a bill proposing to give "land to the landless," as some of the friends of the homestead bill speak of it. Suppose General Scott was under the influence of Seward, was that any reason why you should or should not give the poor man a piece of land? And yet the gentleman maintains that such was a proper and desirable debate, and that it ought not to have been arrested. Sir, I have made no speech wandering from the subject under consideration, further than may have resulted from my want of ability to confine myself within the proper scope. I have made no presidential speeches during this Congress. The House will sustain me in that assertion.

A MEMBER. How will you apply your present speech to the subject under consideration?

Mr. HOUSTON. Sir, I, together with other members, have been assailed as being responsible for the accumulation of bills on the Speaker's table, and I am endeavoring to show that the charge is not well founded. I presume that under these circumstances I will be excused for attempting to set the facts truly before the country. I am presenting facts which, in my judgment, conclusively show that the Committee on Ways and Means have at least labored faithfully in the discharge of its duties. But the gentleman from Georgia says that one reason the business has not been advanced is, that there has been a want of influence in the heads of committees. I believe that is the substance of his remarks. Well, sir, it may be true that they are wanting in influence; but I wish to prove to him that he mistakes the House and mistakes himself. He will recollect that he objected during the last session to my reporting from the Committee on Ways and Means the fortification bill, and the objection rendered it impossible for me to bring the bill before the House. I had a conversation with him upon the subject at the time, and I suppose he will say now, what he frankly said then, that he made that objection because he did not want that bill to pass. Am I right?

Mr. STEPHENS. Yes, sir.

Mr. HOUSTON. Then does not that furnish an argument against his statement? He objected because of his opposition to the bill, and not because he had objection to me. His objection was founded upon principle. He thought the country needed no more fortifications, and his opposition arising from principle, I hardly suppose he would have surrendered or relaxed it for any one. Another member objects, upon principle, to some other bill, and so on until you pass over the entire catalogue of members—all upon principle, and of course not to be yielded up until their judgments are convinced of the utility and propriety of the bill objected to. The purpose of the objection was to defeat the bill, and would not be withdrawn until the opposition to the measure, in the mind of the member objecting, should have been overcome. Now, if the gentleman will pursue that course, why will he not allow other members to do the same thing? There are various other propositions to which other gentlemen object, and their objections being presented and pressed, create delay. During the summer—I think in the month of July—I made several attempts to report that bill, but met with objection until the occasion on which I did report it, when those who had objected were absent.

Mr. STEPHENS. My recollection is that the gentleman presented that bill in the latter part of the month of July.

Mr. HOUSTON. Well, I suppose the latter part of July is in the month of July, as well as the early part.

Mr. STEPHENS. I do not wish to get into a discussion with the chairman of the Committee on Ways and Means as to his efficiency in discharging his duties. That was not my object. Nor did I design especially to arraign him or the head of any other committee before the House. But the gentleman seems to be going into a defense of himself personally. Well, if he wishes to do that, I will say, that if the Committee on Ways and Means intended to report a fortification bill last session, it was their duty to have reported it long before they did. When they brought forward the measure, out of order, and at the heel of the session, I did avail myself of my right to defeat it in that way.

Mr. HOUSTON. Then the gentleman from Georgia will certainly not complain that other members avail themselves of the same right that he exercised on that occasion, and object to clearing the Speaker's table, or doing any other legislation out of order, if by so doing they can defeat a bill to which they are opposed.

Mr. STEPHENS. Of course I do not.

Mr. HOUSTON. That is one reason why business is delayed, and such action on his part does not seem to be consistent with his complaints of the tardiness of legislation. It is certainly not very proper in him to complain of the delay in reporting a measure, while he, in the exercise of a right conferred upon him by the rules of the House, interposed obstacles to prevent the bill being reported at an earlier day.

Mr. McLANAHAN. I have a word of personal explanation which I desire to make. Yesterday, during the debate in this committee, entertaining proper respect for myself, and I am sure with proper courtesy towards the gentleman from Georgia, [Mr. STEPHENS,] I rose for the purpose of asking a question of him during the time he was addressing the committee. In justice to myself I must state, that when I rose to ask that question I had no intention of exciting any ill-feeling upon the part of the gentleman from Georgia, nor can I believe he so understood me. I rose to ask a question which I supposed, considering the tenor of the remarks he was making, he might properly undertake to answer; but to my surprise the gentleman saw fit to make a personal allusion to myself, which I see reported in the Republic. The only objection I have to that report is the manner in which it stands before the country. The gentleman has just stated that he meant no disrespect to the heads of any of the committees of this House, and I am happy to hear him make that statement. But I will read that portion of the report to which I allude:

"MR MCLANAHAN inquired how a chairman of a committee could make a report unless under the rules. The Committee on the Judiciary had not been called.

"Mr. STEPHENS replied, that if the chairmen of committees had the confidence of the House, they could make their reports.

"Mr. MCLANAHAN said it was to be regretted the heads of committees could not command that confidence. Let the gentleman point them out.

"Mr. STEPHENS replied, that perhaps he might begin at a point which would not be agreeable to the gentleman. He further argued that the neglect of business was owing to the members, and not to the rules."

I remember then to have remarked to the gentleman from Georgia, after he uttered the first sentence in the last paragraph, that I did not interpose any objection to a full and free expression of his opinions upon that subject. The gentleman from Georgia then said that he was replying to the gentleman from North Carolina, [Mr. VENABLE.] I rose simply for the purpose of saying the report in the *Republic* was not correct, and having made that statement, I have nothing further to say on the subject.

Mr. HOUSTON. I shall not occupy the time of the committee much longer. I wish, however, to say a word or two in relation to another point which has been presented in the course of this debate. The gentleman from Georgia says he objected to my reporting the fortification bill out of order; will he allow me to tell him that it never was in order, after a very early period of the session—probably March or April—for the Committee on Ways and Means to report at all?

Mr. STEPHENS. The gentleman ought to have reported it long before that.

Mr. HOUSTON. In the opinion, then, of the gentleman, I ought to have reported it before the estimates and explanatory documents were printed, and before the committee could know what the Government required for this branch of the service. If my honorable friend can report bills upon what he deems a proper sense of duty, before he has the necessary data furnished by the proper officers of the Government, I yield to him. I confess I cannot. The gentleman makes an argument founded upon the hypothesis that members vote upon public measures in accordance with their likes or dislikes to the committee or member reporting the bill. Can he be serious in such an argument? If that position be true, I regret it, for it shows a great want of a proper appreciation of the duties and responsibilities of sworn representatives of the people. Under any circumstances, it is not a statement which I should expect a member of this body to make. I take it, there can be no one who would so far stultify himself as to vote for or against a measure, because he might entertain prejudices for or against the member having it in charge. I must think that such an argument does the members of the House, as well as the gentleman himself, great injustice.

Mr. Chairman, as our country expands and enlarges, and our population increases, private interests will multiply in number and expand in magnitude, and as they so multiply you will find greater numbers of them submitted for the legislative action of the Government; and as this accumulation takes place, the various and important private claims will delay, and sometimes defeat public measures. It is inevitable; and no Speaker, whatever might be his talents as a statesman, or his skill as a parliamentarian, can prevent it. Should the Speaker propose to present to the House the bills on his table when not in order, the mere objection of any one member could defeat his proposal; and suppose you were legitimately at the table, and a majority of the House determine that they will go to some other business, could the Speaker, by the exercise of his authority, prevent that majority from carrying their determination into effect? Should the Presiding Officer of this body desire to go to the table and a majority of the members feel opposed to his views, could he compel them to conform to his wish? I can see no force, no propriety, no justice in the position of the gentleman. There are now on the Speaker's table bills combining interests, which together would ordinarily control the vote of this House. I, of course, will not be understood as meaning personal interests of the members. There are the alternate section railroad bills, there are many private bills, together with the French spoliation bill; and when the friends of these various measures, having a common interest, leading them all to the same point, combine, they can go to the business on the Speaker's table, and can, by a vote, carry the House in opposition to the wishes of any committee. And one great cause of the delay in the transaction of business is because all are animated with a desire to get at the bills in which their constituents are so deeply interested; members who are anxious to get at the alternate section land bills, at the French spoliation bill, together wih the private bills in which the constituents of so many are interested.

Sir, I desire that the House should understand the embarrassments under which I have, to a large extent, labored. I cannot think gentlemen are aware of the extent to which these things are carried. Some gentlemen who have charge of, or feel interested in bills upon the Speaker's table, have told me frankly that the appropriation bills could not be passed through the House until the table should be cleared, thus setting up those private bills to delay others. It may be right to do so. I think not, however. I do not mean to charge a corrupt combination. On the contrary, it results from the fact that those particular interests, growing out of measures upon the Speaker's table, induce their respective friends to exert themselves to take those measures up for action; and when a motion to that effect has been carried, and the House takes up a railroad bill, or some other measure, a contest arises, in which interests that commanded the strength to proceed to that business, separate according to the views of members upon the particular proposition taken up. The struggle which then springs up may continue through several days, and at last result in no definite action, and all the time thus occupied is of course lost.

Again: some very intelligent and experienced members think that the appropriation bills should not pass until the close of the session, as was to-day avowed by the gentleman from Virginia, [Mr. BAYLY.] Estimates are coming in continually. This day I have received estimates of appropriations for the bill now under consideration; and if the objects for which these appropriations are sought be proper and worthy, they should be incorporated in the bills.

Again: every member who has a bill in which his constituents are immediately interested, is desirous of passing it; and for the purpose of obtaining action upon it, they will use every proper effort. They will vote to postpone all other bills to get at those in which their constituents have a more immediate interest. Gentlemen have frequently said to me that they regretted to vote against my efforts to get up the appropriation bills, but they felt bound to get theirs passed if they could; and if they could only get some particular bill through, they would vote with me the remainder of the session whenever I attempted to press forward the general measures. I have had such statements made to me by many members during this session.

But there is still another argument with which I am frequently met. When I have been urging gentlemen to assist me in taking up the appropriation bills, they have told me not to be uneasy; that those bills would be sure to pass; that they never pass until within the few last days of the session; that it has invariably been so. They ask if I have ever known an appropriation bill which really should pass fail for want of time; that such measures are bound to pass; that every member wishes and intends that they shall; but that they wish to get bills through for this, that, or the other purpose. Such reasoning and feelings as these operate to retard the progress of business, and especially to prevent early action upon the appropriation bills.

I regret, Mr. Chairman, that I have had occasion to occupy any of the time of the House upon a subject which is not particularly pleasant to me, is not pertinent to business, and which, therefore, cannot be very interesting to the members of this body. But having been arraigned, in common with the heads of the other committees, I felt it my duty to say this much in reply.

I admit that if I could have had things as I desired them, business would have been in advance of where it is now; but I deny that the appropriation bills have heretofore, for the last fifty years, become laws until near the close of the session, as is the case now. The gentleman says that great changes have come upon the country. Sir, changes have been made everywhere and in almost everything. Changes have been made in this House. Mr. Calhoun is not here, Mr. Webster is not here, Mr. Clay is not here, Silas Wright is not here, John Forsyth, the former representative of the gentleman's present district, is not here; hundreds of other good and great men, who in time past honored and adorned this House by their presence, are not here. Truly, Mr. Chairman, changes have taken place. In that the gentleman and myself are perfectly agreed; but, sir, changes are inevitable, and it is not for us to complain of the decrees of fate, or of evils over which we have no control. We must make the best we can of our present condition; while our hopes, our aspirations, and our efforts, should be directed to the amelioration of the ills that surround us, and the removal of the obstacles that lie in the way of our usefulness. Such is the teaching of philosophy—such the dictate of justice. I assure my honorable friend from Georgia, that while I entertain not in the slightest degree a feeling of unkindness growing out of his strictures, (which I regarded at the time as not entirely necessary to the business then before us,) yet I think he placed me, as well as the Speaker and other members, in a position which was somewhat unfair. I do not suppose that he so intended, but such was the effect of his remarks. Had he made what I deemed a proper statement of the facts of the case, I should have refrained from saying anything upon the subject. I am willing to share, with other gentlemen, in whatever of censure may be due to the action or inaction of this body; but I am unwilling to have the sins of other men (if sins they be) charged exclusively to my account; I fear I shall have quite enough to do in answering for those for which I am properly responsible. Each gentleman should meet his own responsibilities. I am ready to bear those which legitimately fall to my lot, but am entirely unwilling to assume those which should justly rest upon any other gentleman, or upon this House as a body.

RECIPROCAL TRADE.

SPEECH OF HON. AMOS TUCK,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

February 22 and 23, 1853,

On the bill "establishing Reciprocal Trade with the British North American Colonies upon certain conditions."

Mr. TUCK said:

Mr. SPEAKER: I had more than one reason to be interested in the remarks of the gentleman from Maine, [Mr. FULLER.] I wished to see how well, and in what manner, a free-trade Democrat would argue the question of restriction; and I must confess, though I do not sympathize with the gentleman in the conclusions to which he has arrived, that he has discussed the question quite ably, considering the materials from which his argument has been constructed. I wanted to see in what manner a Representative from Maine, with such a long line of border on the neighboring British Provinces, and a gentleman with all the interests impressed upon his mind which necessarily must be, would attempt to convince this House that restriction was for the benefit of the country. That is the proposition which he has been attempting to establish.

Mr. FULLER, of Maine. I wish to correct the gentleman. My position was against partial legislation. I divided the proposition, and I wish the gentleman so to understand.

Mr. TUCK. The House will understand both the gentleman and myself. Now, I want to give the gentleman a history of this effort for reciprocity, as I contend it is properly called, and some authorities which are arrayed against him in regard to it. The first authority in relation to the subject to which I will call the attention of the gentleman, is James K. Polk, late President of the United States. The next one, James Buchanan, who recommended reciprocity in respect to the Canadas.

Mr. FULLER. And only the Canadas.

Mr. TUCK. I so stated. This recommendation came to the Thirtieth Congress, was referred to the Committee on Commerce, over which the Hon. Joseph Grinnell presided, received the unanimous approbation of the committee, and a bill was reported to the House, which bill passed the House. It failed in the Senate for want of time.

Mr. FULLER. It included only half of the articles embraced within this bill.

Mr. TUCK. In the last Congress the subject again came up. It was referred to the Committee on Commerce, over which presided the Hon. Robert M. McLane. It received the sanction of that committee, and a bill was reported to the House. It was not acted on by the House, because of the perplexing territorial questions which we all know blocked up the ordinary course of legislation. It is now recommended again, but doubly fortified by considerations growing out of our fishery difficulties. With this reference to the past favor which the main features of the bill have received, I beseech gentlemen on both sides of the House not to vote

against the proposition before examining it. The only favor I ask of any gentleman on this floor is not to be misled, either by the arguments of the gentleman from Maine or any other individual, but to examine this question before he condemns it. It has been sanctioned by the authority of previous Congresses, and of men standing deservedly high in the confidence not only of their party, but the people of this country; and I only ask that it be examined before being condemned. It now comes before us with double claims to those which it has ever had heretofore, and I will tell you why: We have now the opportunity of securing reciprocal trade not only with the Canadas, but with the other British Provinces. We have also the important incentive to accept of the terms which are generously offered to us by Great Britain and her Provinces, because, by the proposed arrangement, we obtain a most desirable settlement of the difficulties which have taken place on the fishing grounds. Our fishermen cannot go through another summer without involving themselves in serious difficulties with the people of the Provinces. I am not going to use any threatening argument, by saying that war will ensue unless the fishermen are quieted, but I believe that there is danger of bloodshed. There will be no war; for, although the sympathies of our people are as intimately connected with the fishermen as with any other class of our inhabitants, yet our people will not tolerate any war except for causes which will arouse the whole country, and the fishermen will endure as long as endurance is a virtue.

The advantage in respect to the fisheries which is offered to us is this: In the convention with Great Britain in 1818, there was a provision by which we relinquished the right to fish within three miles of the shore of the British Provinces, with a few trifling exceptions. Now the mackerel fishing cannot be successfully pursued without going within three miles of the shore. At that time the mackerel fishery was not an interest which required to be considered in that convention, because mackerel were as abundant on the coast of New England as any other portion of the world. But in 1828, or 1830, mackerel began to disappear from our coast, and our fishermen followed them down to the coast of the British Provinces. They have been pursuing that trade since; but there have been difficulties attending its pursuit for the last twenty years. These difficulties have been adjusted from time to time, by the earnest endeavors of the authorities of both Governments to preserve peace, and to settle all difficulties in a spirit of liberality which has characterized both parties. It is impossible to pursue the mackerel fishery without occasionally going within three miles from the shore. Unless we have this privilege, to enjoy the shore fishery without annoyance—which we do not now have—the mackerel fishery will be broken up, and that important nursery for American seamen will be destroyed.

The British Government proposes to give us the privileges of the shore fishery, and also the right to cure on shore the fish caught, provided this reciprocity proposition is acceded to by our Government. The offer that is now made, comes with tenfold the encouragement, and tenfold the reason for its acceptance, which existed when the first overture received the sanction of the House of Representatives of the Thirtieth Congress, or the sanction of the Committee on Commerce of the last session. We can obtain important rights by accepting this reciprocity proposition. I believe it will accord with the judgment of each and every member of the House who will examine it. If it does not receive the support of every one who thoroughly examines it, I am confident it will be in consequence of some supposed local hardship, and not from a doubt of the general interests of the whole country.

I desire to put this question on the broadest national grounds. And I wish now, for the benefit of the gentleman from Maine, and the information of the whole House, as evidence of the nationality of the proposition, to refer to a few authorities of a different character to those to which I have already called your attention. The North American Review has contained one or more articles, written with signal ability, urging this matter upon the attention of Congress, and sustaining the same by arguments applicable to the whole country, and appreciable by every friend of general development and prosperity. Hunt's Merchants' Magazine, a journal which all know stands deservedly high in every part of the country, has also argued the same question with great earnestness and ability. De Bow's Southern and Western Review, printed at New Orleans, has contained very able articles of the same tenor on this subject; and the Charleston Mercury has lately, as I am told, promulgated similar views, and joined the general approbation in favor of reciprocal trade.

With these proofs that this measure is regarded as national in its character, and as likely to be generally beneficial, I am sorry to witness the effort of the gentleman from Maine to brand it as a sectional proposition, and to prejudice the House against it by calling it a railroad and manufacturing scheme.

I admire the gentleman's art in attempting to give it a character at the outset of his argument, which should arouse the prejudice of some parts of the country. But I condemn his object much more than I admire his skill. Let every question stand on its own merits. Let this measure stand or fall by the judgment of the representatives of the American people, without any resort to efforts of that sort to give it a bad name. If it were in fact a railroad proposition, I should expect to find the gentleman from Maine advocating it. The great thoroughfare from the city of Portland to Montreal—the Atlantic and St. Lawrence railroad—will be more benefited than any other railroad by any increase of commerce with the Provinces. If, therefore, reciprocity be a railroad scheme, the State of Maine is most interested, and the gentleman ought to advocate it, instead of attempting to defeat it.

Neither is there any justice in the attempt to convince the House that it is to be mainly advantageous to manufacturers. I am sure it will benefit our manufacturers materially, because it will give us new customers, and open to those customers the way of bringing to us something with which to make their purchases. But it is no scheme to benefit manufacturers, except by the additional prosperity which it is to give to the whole community. The representatives of some of the manufacturing districts have doubts, I am sorry to say, about the scheme; yet I am confident, those doubts will be removed when they have found time to examine more carefully the bill and report under consideration.

The gentleman from Maine [Mr. FULLER] has signally failed in giving any proof to this House which can satisfy them that this is a sectional measure, or that it is to be exclusively beneficial to railroads or manufactures. He has, however, demonstrated to this House the character and the sole cause of his opposition to it. The lumber interest, and the plaster of Paris interest, embrace the alpha and omega of his argument. Yes, sir, in order to maintain a monopoly of lumber in the State of Maine, in which there are not more than five hundred men interested, he would shape the legislation of the entire country, and abandon his favorite doctrines of free trade.

Mr. FULLER. I would like to have the gentleman's authority for that. I say that there are more than forty thousand men interested in that trade.

Mr. TUCK. If you count the day laborers, there may be thousands interested in the lumber business; but the wages of such will not be diminished or increased by the passage of this bill. If you count the holders of land only, I have good reason to say, and I challenge contradiction, that there are not more than five hundred in the whole country who are interested in the Maine lumber monopoly;—in that restriction and anti-free trade which the gentleman argues so zealously. He sees his own citizens engaged in building railroads in order to have that intercourse which is desirable between the Provinces and the sea-board; and yet he comes here and argues for the lumber interest and the $100,000 invested in plaster of Paris, against intercourse and in favor of restriction. I am not disappointed to find the gentleman arguing what he thinks to be the interests of his constituency with earnestness and zeal, although those interests are, in my opinion, adverse to the general good.

But I am astonished to see that the gentleman from Maine will desert his avowed principles of Democracy, as I have always understood them to be, for the sake of the plaster of Paris and the lumber. Here is an amendment which the gentleman has introduced so as to give the go-by to reciprocity, and to maintain restriction. Its object is to prevent action. I wish it to be understood distinctly, that the gentleman must know as well as others, that the only purpose which his proposition can accomplish is to defeat any reciprocity bill, and any and every settlement of the fishery troubles. His amendment has an aspect of reciprocity, but it does not mean anything, except opposition to reciprocity. Restriction for the benefit of lumber and plaster of Paris is its whole purport and object.

I wish to refer, in a few words, to the amendment which my friend from Massachusetts [Mr. SABINE] proposes to offer to this bill. He had the kindness to show it to me. If I understand it correctly, it is substantially like the bill proposed by the honorable Senator from Massachusetts [Mr. DAVIS] in the Senate. The main proposition seems to be this: if Great Britain and the Provinces will give us the same rights of fishery they themselves enjoy, we will give them the right to go upon our fishing grounds, and the right to import their fish into our market. I trust that Congress will not make such an unreasonable proposition to the Provinces as this. It is a matter of surprise to me that such a thing has been seriously contemplated. What! a proposition to be made to these Provinces, that we will admit them to *our* fishing grounds, where we cannot catch good fares of fish ourselves, provided they will admit us to their fishing grounds, where we can catch good fares, and where we must go if we make the mackerel fishery a profitable or saving business! To admit their fish into our markets is a consideration entirely inadequate to the advantages we shall gain.

I have repeatedly referred, Mr. Speaker, to the report and bill which is before this House. In relation to the report, I will relieve my own mind, by expressing the obligations which I feel as a member of this House, to the gentleman from New York, [Mr. SEYMOUR,] for the able manner in which this proposition of reciprocity and fisheries has been examined and set forth in his report. The subject is ably presented, as a national measure, and its connection with the agricultural, manufacturing, and the general interests of the country, is successfully shown by statistics, details, and conclusions, which cannot be resisted. It is only necessary to read his report in order fully to understand the general importance of the subject, and that all interests may well unite in its support. The report is a document of signal ability, and if the gentleman from New York, in retiring from Congress at the close of this session, (which I hope he will not do,) should leave no other monument, this report would be an honorable and an enduring evidence of his statesmanship, ability, and expanded views.

In this connection, permit me to refer to another document on the subject under consideration, which has attracted my attention, and which I have examined to some extent with great profit and pleasure. It is a report made to the Secretary of the Treasury, by Mr. J. D. Andrews, who has given the last two or three years solely to the business of collecting statistics, and of laying them before the Treasury Department, relative to trade with the British Provinces, from the extreme northwest to the Atlantic ocean, and to facts and statistics relating to the fisheries. Mr. Andrews's last report constitutes Senate document No. 112, and is a production evincing great industry, great ability, and great success in mastering the subject committed to his investigation. The Secretary was fortunate in employing so competent a person to make these investigations, and to collect the facts set forth in this document. I have it in my hand, and I commend it to the perusal of gentlemen, assuring them that it is a production of no ordinary interest and value.

The gentleman from Maine [Mr. FULLER] has stated that the bill under consideration will not secure actual reciprocity. By reading the bill its character can be correctly understood:

A BILL establishing reciprocal trade with the British North American Colonies upon certain conditions.

Be it enacted, &c., That whenever the Government of

Great Britain shall agree with the Government of the United States that the people of the United States shall enjoy unmolested, the same rights to take fish of every kind in the Gulf of St. Lawrence, on the coasts and shores of Newfoundland, Nova Scotia, and Cape Breton, New Brunswick and Prince Edward's Island, and of any and all other the British possessions in North America, and in all the bays, gulfs, creeks, and waters, or places of the sea, bordering on and adjacent to the British possessions in North America, and to dress, cure, and dry the same on the coasts and shores of any part of the British possessions in North America, as are or shall, from time to time, hereafter be enjoyed by subjects of Great Britain, subject, however, to the rights of the proprietors or possessors of the ground where said fish may be dressed, cured, or dried; and whenever the Government of Great Britain shall agree with the Government of the United States that all leases of fishing rights or privileges, and lands necessary for the enjoyment of the same, made by British subjects to any of the people of the United States, shall have the same force and effect as if made to British subjects; and whenever the Government of Great Britain, with the consent of the Government of the Provinces of Canada and New Brunswick, shall agree with the Government of the United States that the people of the same, in American bottoms, and with boats, rafts, and vessels of every description, may use and navigate the river St. Lawrence, and the river St. John, in New Brunswick, from their sources to the ocean, together with all canals and waters connecting the great northern lakes with the Atlantic ocean through the river St. Lawrence, as the same now are or hereafter may be enjoyed by the subjects of Great Britain, subject only to the charges and regulations which now exist, or shall hereafter be prescribed, for the use and navigation of the same by the inhabitants of the British provinces in North America or other British subjects; and whenever the Government of New Brunswick, with the consent of the Government of Great Britain, shall abolish all export duties on lumber cut on lands within the territory of the United States, and transported down the river St. John and exported thence; and whenever the President of the United States shall issue his proclamation declaring that the articles hereinafter enumerated, being of the growth, production, or manufacture of the United States, are admitted into the British North American provinces by law free of duty;—that on and after that day the like articles being of the growth, production, or manufacture of the said British North American provinces, shall be admitted into the United States free of duty, when imported directly from such provinces, so long as the said enumerated articles are admitted into such British North American provinces when imported directly from the United States free of duty, or until otherwise directed by the Government of the United States, to wit: Grains, flour, and breadstuffs of all kinds, seeds, unmanufactured hemp, unmanufactured flax and tow, animals of all kinds, undried fruits, fish of all kinds, dried, smoked, salted, and fresh; meats, salted, smoked, and fresh; hides, sheep-pelts, wool, butter, cheese, tallow, lard, horns, manures, ores of all kinds, stone and marble in its crude or worked state, gypsum, ground or unground, ashes, firewood, agricultural implements, including axes; fish oil, broom-corn, bark, unwrought burr-stones, dyestuffs, rice, cotton, unmanufactured tobacco, unrefined sugar.

SEC. 2. *And be it further enacted*, That whenever the President of the United States shall issue his proclamation declaring that the Government of Great Britain has agreed with the Government of the United States that round, hewed, and sawed timber of all kinds, and all lumber of every description, the growth and production of the United States when exported directly therefrom to the British West India islands, shall, during the continuance of the reciprocal trade provided for by this act, be admitted into the ports of said islands at no higher duty than shall be imposed in such ports on similar articles when imported into said islands from the British North American provinces, that on and after that day, round, hewed, or sawed timber of all kinds, and all sawed lumber of every description, undressed and unmanufactured in any way, the growth and production of the British North American provinces, when they shall by law admit into their ports free of duty the articles named in the first section of this act as therein provided, shall be admitted into the United States, when imported directly from said provinces, free of duty, so long as similar articles, the growth and production of the United States, shall, when exported from the United States, be admitted free of duty into the ports of the United Kingdom of Great Britain and Ireland, or until otherwise directed by the Government of the United States; and when any duty is or shall be charged in the ports of the United Kingdom of Great Britain and Ireland upon such articles so as aforesaid imported directly from the United States, the same duty shall be charged upon round, hewed, or sawed timber of all kinds, and all sawed lumber of every description, undressed and unmanufactured in any way, when imported from said provinces directly into the ports of the United States.

February 23, 1853.

Mr. TUCK resumed: Mr. Speaker, I had nearly concluded my remarks, when I was arrested by the expiration of the morning hour on yesterday. At the close of the last session of Congress, in accordance with my convictions of duty, I published a speech upon the subject of the fisheries and reciprocity with the British Provinces. In that speech I set forth at length my views upon this subject, and I do not, therefore, feel inclined to occupy the whole of the hour to which I am entitled under the rule, but knowing the feeling of the House, and their indisposition at this late period of the session to listen to any discussion at length upon any subject, I will conclude with a few additional remarks.

I have heard an objection made to this bill, reported by the Committee on Commerce, because of its supposed injurious effects upon the agricultural interests of the North and West; particularly with regard to the article of flour. Now, upon this subject I invite the attention of the House for one minute. Sir, I will state one fact, which I think will inevitably remove the objections that any of the friends of the flour interest can possibly entertain to this bill. It is supposed, that if we have reciprocal trade with the British Provinces, they will raise a surplus of wheat, and send it to the United States overland. Now, sir, is this fact covered by the statistics of the country, and from the reports of the Treasury Department? We find in the report of the Committee on Commerce, upon this matter of reciprocity, the statement "that the lower colonies, Nova Scotia, New 'Brunswick, Prince Edward Island, and New-'foundland, have been among the best customers 'of American breadstuffs. The market which 'they have afforded is equal to that of Brazil. 'Our exports of breadstuffs to these colonies in '1852 amounted to $1,659,285, and to Brazil '$1,655,558."

I state the further fact, that we pay a duty upon this flour which we have exported to these Provinces, varying from twenty-five to seventy-five cents per barrel. Now I would ask gentlemen if it can possibly prejudice the interest of the wheat-growing portion of this country to have reciprocal free trade with these Provinces, when we now, in spite of the duty, export so largely to these Provinces? All fear on this subject must be removed by the statement of this one fact, that Brazil is a very important consumer of our flour, and yet we export, as I have before mentioned, more flour to these Provinces annually than we do to the whole of Brazil.

The gentleman from North Carolina [Mr. CLINGMAN] has proposed an amendment to this bill, the design of which is, as I understand it, to open the coasting trade of the whole country to British competition. I do not understand the amendment exactly, but I suppose that to be the purport of his proposition. Now I would ask the gentleman from North Carolina if he would favor such a proposition as this, unless Great Britain will admit us to a free competition in her coasting trade?

Mr. CLINGMAN. Such are the terms of my amendment.

Mr. TUCK. The gentleman would not, and no man who sympathizes with the interests of his country, would hazard his reputation by making and supporting such a proposition here. But the gentleman has no reason to believe that England would admit us to a competition in their coasting trade on the coast of England. We have no proposition of that kind from the British Government. This matter of reciprocal trade is one thing, and the opening of the coasting trade is another. When it is necessary to consider this latter subject, let the gentleman be heard upon it; let him then bring forward his proposition and argue it with his usual ability, and let the judgment of the House be taken upon it; but I ask the gentleman not to bring it forward now.

Now, I wish to say one word in relation to the lumber trade. I beg leave to differ with the gentleman from Maine in regard to the prejudicial effects which this bill may have upon the lumber interest. The lumber interests are amply provided for in this bill. How? The head waters of the river St. John are in the land belonging to Maine, and there is around those [illegible] large lumber interest. The lumber cannot now be taken under that river through the Provinces, without paying a duty. There is a provision in that bill that the duty shall be abolished. That is one of the advantages which this bill affords to the lumber interest; and the gentleman from Maine will observe that in the second section of the bill there are other provisions for the security of that interest, among which is one that provides that lumber shall be admitted into the ports of the West Indies duty free.

Now, I contend that it is demonstrable satisfactorily to the mind of every man from every part of the country, that this bill cannot operate to their prejudice, but will be as generally useful to all interests as any bill that can be brought before the country; and take it in the long run, the gentleman's constituents—those lumber dealers—will be better off by the passage of this bill. And, after the lapse of a few years, when this lumber will have been cut off from the Maine lands, the gentleman's constituents will empower him, or his constituents will come here and contend as ably for reciprocity as he now does against it. It is true that this bill is not as perfect as I should like it in some particulars, and I have been almost tempted to offer an amendment to the bill providing that coal and iron castings shall be included. It would be decidedly beneficial to my constituents, and to New England generally, if such provisions were incorporated into the bill.

But I wish to call the attention of the wakeful Representatives from the State of Pennsylvania, to the fact, that if in following out the indefinite fears which haunt their imagination, they, by their opposition, defeat this bill, probably another Congress will not pass by without having a reciprocity adopted, including coal and iron free. If sir, this bill should now fail, and it should be my fortune again to occupy a place upon this floor, I should sustain a bill which provides for a more comprehensive reciprocity.

I wish to make one remark in reference to my own views upon the subject of protection. I believe that protection is a temporary policy. I have never believed that it would be a permanent policy. But there is no need of protection between two countries lying side by side, in which the labor of one is equally expensive as the labor of the other, and in which money in one is equally abundant as in the other. There is no need of our protecting ourselves against Canada. There is no need of our protecting ourselves against any country that lies coterminous to us upon this continent. And sir, I would give my support to-day for a great system which should deserve the name of an American system of free trade in respect to countries that lie adjacent to us. But we cannot adopt that policy in reference to the countries of Europe where labor and money is cheap, and I am happy to know that there are no gentlemen in the country who argue, with any great appearance of seriousness, for such a policy.

THE HOMESTEAD BILL.

SPEECH OF HON. SPEPHEN ADAMS,

OF MISSISSIPPI,

IN THE SENATE, *February* 24, 1853,

Against an amendment proposed by Mr. WALKER to the Pacific Railroad bill, as containing all the principles of the Homestead bill.

Mr. ADAMS said: Mr. President, the amendment under consideration, proposing, as it does, a disposition of the public lands, I shall avail myself of the liberty it affords to give my views on the various propositions pending before the Senate, for the disposition of the public domain. I shall first consider the bill which has acquired the title, by common consent, of the "homestead bill;" a term which gives it a popularity throughout the land that no other could confer. Perhaps there is no name, save that of wife, children, or friends, that is hallowed by so many endearing associations as that of the family homestead. It forms a common platform on which the affections of all—the rich and the poor, the old and the young, meet as upon a level. Every Senator in this Chamber, yielding to the impulses of his own heart, will testify to the truth of the poet's decla-

"[illegible]"

Every cottager's heart in this broad land beats responsively to its truth; and as we all take delight in conferring benefits upon the necessitous, I feel confident that every Senator on this floor is disposed to vote for the bill when it shall be taken up, or for some proposition that will embody substantially the great object sought to be attained by it, if he can do so consistently with his duty to the Constitution and the country.

I propose, sir, to enter upon a brief examination of our powers over the public domain, and our duty upon the important question of its proper disposition. I assume the position as a postulate, that the public lands have been acquired by the common blood and treasure of all the States of the

Union—that the citizens of each State have a common interest in the fund, and that Congress is the trustee, charged with the duty of disposing of the lands in such manner as shall best promote the interests of all, without doing injustice to any. The power of Congress over the public domain differs materially from its power over money in the Treasury. If the best interests of the *cestui que trust* will be promoted by it, it is not only the right of Congress, but it is its duty to give the lands away. But we have not the power to collect money in the form of taxes to give away, for the conclusive reason that the Constitution has not conferred the taxing power for any such purpose, and we cannot appropriate money when collected and in the Treasury for any other object than that for which we were authorized to collect it. With this view of the power and duty of Congress over the subject, I proceed to consider the merits of the bill. The object sought to be attained by the bill is, that every head of a family shall have and enjoy one hundred and sixty acres of the public land upon his or her making the application in due form, taking an oath that he or she is the head of a family, and not the owner of any estate in lands, and with the additional requirement that the applicant shall occupy and cultivate the same for five consecutive years; that after all these requisites shall have been complied with, a patent shall issue. These are the leading features of the bill.

Mr. President, I am by no means certain that it would not be a money-making operation, having in view its effects on imposts, to give to actual settlers the public lands, in preference to the present mode of selling them at $1 25 per acre. Bear in mind that the Government has adopted the principle of raising revenue for its support almost exclusively from duties on imports. Then go with me to the dwelling of the poor man, who feels that he is but a tenant at will either of the Government or of a wealthy speculator. Observe that man toiling for years upon a rented farm; he pays one third of the proceeds of his labor to his landlord, and nine years out of ten he secures but a scanty subsistence for his family. His improvements, repairs, and cultivation of the soil, are carried on from year to year to meet present wants. Not knowing what a day may bring forth, his labors look not to the future for their fruition. But, sir, let some fortunate turn in his affairs occur, so that he is enabled to secure a freehold in his own right, and you will see him work with a new energy. His improvements are made with a view to permanence, knowing that he, and those who are most dear to him, will reap the benefits of his labors in years to come. His farm is enlarged, his property improves, he begins to count the years when his orchard will yield its various fruits, his garden blooms, his children are educated, he has artificial wants which he knew not before, he is able to purchase and pay for imported goods, and by these means the receipts in your Treasury are swelled far beyond his contribution of two hundred dollars for his one hundred and sixty acres of land, which when once paid, he never pays again.

As many of the Senators from the older States are not personally acquainted with the characters of those who are intended to be the beneficiaries of this bill, and with the privations they are compelled to endure, I shall be pardoned for adverting briefly to them. In the first place, your lands are absolutely worthless in the wilderness, until the pioneer prepares the way for others. By his enterprise and labor he makes the settlement attractive, and your contiguous lands [illegible] This [illegible] government. But when you add to this, that our complex yet model Government is maintained and supported by the confidence and affection of the people, we see that it is the highest duty of the Government, no less than its true policy, to afford every facility for its citizens to become freeholders, because by having an interest in the soil, you increase their interest in the Government.

I have witnessed scenes at land sales that convinced me of the love of the settler to his house. I have seen men attend such sales who had encountered all the toils, hardships, and privations of a frontier life; who, knowing the Government price, had managed, by pinching economy, to save barely enough to pay for the quarter section on which they had erected their humble hut, cleared and fenced a small field. If the speculator should bid one dollar above the Government price, their homestead was swept away, and their wives and children left without a shelter to protect them from the pelting storm. I have witnessed the settler as the crier, proceeding in numerical order, approached his tract; I have gazed upon his anxious countenance giving expression to alternate hopes and fears, while his heart beat responsively to his alarm and apprehension. And as his home was struck down to him, I have witnessed the glow of joy with which his countenance was lit up, as he turned from the stand and retraced his steps, to convey the good news to his expectant wife and children, that his improvement had become the family homestead. They only can appreciate such a picture and realize its truth, who have felt the sting of poverty, and witnessed the scenes I have attempted to describe.

And, sir, it is no fancy sketch that I have presented to your view, but one of the sober realities of everyday frontier life. Nay more, sir, the settler is honest, kind-hearted, and hospitable. If the stranger or weary traveler calls on him, he is "taken in," not in any doubtful sense, but with cheerfulness and a hearty welcome, which more than compensates for his homely fare. He never forgets a favor, either from an individual or the Government. I recollect an occasion at a land sale, of being requested by some settlers to bid off their lands for them. I did so. Some years afterwards I was canvassing for the office of circuit judge. On approaching a certain neighborhood, I met a man with whom I was unacquainted, but when I made myself and the object of my visit known, he remarked that I need not go into his neighborhood seeking votes; that they had learned that I was a candidate; that they remembered me as having aided some of the settlers in purchasing their homes, and that they all intended to vote for me. I did not lose a vote at that box. I allude to this incident, in passing, to prove the truth of my remark, that these people are never ungrateful.

Sir, I have not overstated the attachment of the settler to his homestead. If misfortune overtakes him, he will surrender all his other property before his homestead. A lady will yield to her husband's creditors her carriage, and other valuables almost without a murmur, but when you come to take the homestead, that spot which has become endeared to her by so many associations, the deep-drawn sigh and the unbidden tear attest the strong hold it has upon the human heart.

Mr. President, I cordially approve the object of this bill, and appreciate the anxiety of its friends for its passage, and I think I shall not fall behind them in any proper effort to make glad the hearts of the poor. But neither this, nor any other object good in itself, should be attained at the expense of justice. I have some objections to the bill, which I shall proceed to state. In the first place, it is not founded on the proper basis. I respectfully submit, that the correct principle for the disposition of this trust fund, is to sell it to actual settlers at cost. Let us so dispose of it as to provoke no complaints from the old States, that they have paid for these lands, and the new States have reaped the benefits of them. Graduate the price according to their value by such a scale as will restore to the Treasury every dollar of the cost of acquisition, survey, sale, and incidental expenses; but let not the Government turn land speculator. Every principle of good [illegible] generosity, as [illegible] your citizens, forbid it. I acknowledge the plausibility of the claim of the old States to a portion of the proceeds of sales of the public lands. But sir, it seems to me that if the people of those States will reflect upon the privations and toils of the early settlers in the new States in making the lands valuable—if they will recollect that these settlers are their children, (for the new States are composed of emigrants from the old,) they will come to the conclusion to which I have arrived, that the lands should not be sold on speculation. There is something abhorrent to every generous mind in the idea of this Federal Government speculating upon the homesteads of her citizens, and that class of her citizens, too, who have the strongest claim upon her paternal regard and fostering care.

My opinion upon this subject is formed upon the reflections and observations of my life, and I am confirmed in the correctness of them when I find that they are in accordance with the views and recommendations of President Jackson. That illustrious patriot, sagacious statesman, and just man, in his message of the 4th December, 1832, says:

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts."

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"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy paid into the Treasury a large proportion of $40,000,000, and of the revenue received therefrom but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

This statement of facts made by President Jackson in his annual message is, to my mind, unanswerable, and I now propose to adopt his recommendation. Twenty years after its delivery I find it to be as true in fact and sound in principle as it was on the day it was read to the two Houses of Congress. I shall at the proper time move to strike out from the enacting clause of the bill and insert the following as a substitute:

That all of the public lands of the United States shall be subject to sale and entry at one dollar per acre, and any portion which shall have been in market for five years or upwards, prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of seventy five cents per acre; and all the lands of the United States that shall have been in market for ten years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at ten cents per acre; and all lands of the United States that shall have been in market for twenty-five years or more, shall be subject to sale at five cents per acre: *Provided*, This section shall not be so construed as to extend to lands reserved to the United States, in acts granting land to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

SEC. 9. *And be it further enacted*, That upon every reduction in price, under the provisions of this act, the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations upon which the public lands of the United States are now subject to the right of preemption, until the next graduation or reduction shall take place; and if not so purchased, shall again be subject to right of preemption for twelve months as before, and so on from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

SEC. 10. *And be it further enacted*, That any person applying to enter any of the aforesaid lands under the provisions of the eighth and ninth sections of this act, shall be required to make affidavit before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation, owned or occupied by him or herself, and together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury: *Provided*, That any person entitled to a preemption shall be authorized to enter forty acres of the public land, to include the dwelling-house, at ten cents per acre."

Mr. President, in the amendment which I shall propose, I have preserved the principle set forth in General Jackson's message. If it possesses any merit it is due to his memory, not to me. The graduation proposed will certainly reimburse the Treasury. I think it will rather exceed it. But it is impossible to arrive at any certainty either as to the amount of the expenditures or the receipts

under a graduation system, such as I propose. We know, however, that the receipts into the Treasury from the sales of the public domain amounted to upwards of one hundred and thirty-one millions of dollars in 1847, and now amounts to near one hundred and forty millions. We know, too, that the sales of the lands ceded by the Chickasaws, where alone the graduation principle has been tested, and the price of the land reduced to twelve-and-a-half cents per acre, has resulted in bringing into the Treasury a larger sum than the sales in the same extent of territory anywhere else has done. Sir, the practical operations of the graduation system in the Chickasaw cession has often been the subject of discussion in both ends of this Capitol, and until the system becomes general, and its beneficent influence is made to spread over your whole public domain, it will continue to be adduced as triumphant proof that it is the true principle for the disposition of the public lands. It is owing to this system that the Chickasaw counties in Mississippi have become so densely populated. Thousands of men, poor, no doubt, but happy, contented, and prosperous, are now scattered over those counties, whose homestead have cost them but *twenty dollars*. For that sum of money they have been enabled to purchase one hundred and sixty acres of land—not rich land, it is true—but having ten or twenty acres of fair cultivable soil, on which they are now supporting their families. Search the habitable globe, and I defy you to find a country where a man is in the enjoyment of civil and religious liberty, that opens such facilities to your citizens for becoming freeholders, as the Chickasaw counties have for many years presented, in consequence of the system of graduation in the price of those lands.

Sir, I think my proposition has many advantages over the House bill. In the first place, it does no injustice to any State or individual in the United States. In the next, it does full justice to a meritorious class of our citizens, and I believe, if the sense of those who are intended to be benefited by the act were taken upon the subject, a large majority of them would prefer my amendment to the original bill. The bill gives to the man who has no land one hundred and sixty acres, while his neighbor, who by his industry may have secured a tract of forty acres, is excluded from its benefits because he is not a *landless* man in the common parlance of the day, and must pay $150 to increase his tract to the size of that of his more fortunate neighbor. It is only necessary to state the objection for every one to see its force. Again: the bill requires the party to reside on the land for five consecutive years before he can become entitled to his patent. This feature of the bill is very objectionable to many persons. While perhaps every man who settles a tract of new land, fully expects to occupy it continuously for five years, yet it is very repugnant to him to take it clogged with such a condition. He wishes to be at liberty to sell out and settle a new place, should his location prove unhealthy or the neighborhood not be agreeable to him, or for any other cause that suits his fancy. He would greatly prefer paying the price I propose, with the privilege of selling at pleasure, rather than have his land given to him embarrassed with the restrictions of the bill. And more especially is this true, when his homestead can only be obtained by the oath of insolvency. Sir, I have always had an unconquerable aversion to the insolvent debtor's oath. It is galling enough to the just pride of an unfortunate man to be compelled to admit his poverty to creditors, and those who are yet more keenly to suffer by it—wife and children; but it is cruel to compel or require him to go before an officer of the law and swear to it. Many proud-spirited men who would be entitled to the provisions of this act, would refuse it on such terms.

The graduation principle was recommended by President Polk, advocated by Mr. Calhoun and Mr. Walker, passed at different times by this body, and has been sustained by such unanswerable arguments in this and the other branch of Congress, to say nothing of its practical advantages where it has been tested, that I deem it useless to consume the time of the Senate in offering further arguments of my own, or in repeating those of others, in its support. Every Senator is aware of the fact, that when a new country is surveyed and brought into market, every tract worth the Government price is entered and paid for in less than five years, and the sales after that test of its value are owing to the improvements of the pioneer settlers, by which an enhanced value is imparted to the contiguous lands. In a vast number of instances, these contiguous lands become necessary to enlarge the farms of the settlers for stock ranges, &c., when, in fact, the lands are not worth, intrinsically, the money paid for them.

In this way, and for these reasons, the Government has extorted millions from her citizens. I trust no one desires to see it longer continued.

My proposition is a more liberal one to the settler than any that has been heretofore made. Since the origin of our land system, public sentiment has undergone a great change with regard to the true policy of disposing of the lands. The first plan was to sell the lands to the highest bidder, giving the occupant no preference by preemption or otherwise, and fixing the minimum price at two dollars per acre. This policy was pursued till 1820, when it yielded to a more just and liberal one, by which the price was reduced to $1 25 per acre, and secured a right of preëmption to the actual settler upon payment of that sum. Much of your lands have been in market at that price for thirty years, and remain unsold, for the obvious reason that it is not worth the price you ask for it, and I might safely add, never will be, unless in the progress of railroad improvements, a demand should arise in specially-favored districts of country. The man who would hold his rich and poor, valuable and valueless lands at the same inflexible price, would be considered a very unwise land operator. What would be unwise in an individual, seeking to increase his own gains, is surely still more so in the Government, which does not or should not seek to replenish its Treasury at the expense of the best class of its citizens.

As the price was reduced from $2 to $1 25 thirty-three years ago, it is quite time that it should be reduced to $1 per acre, and then graduated as proposed by my amendment. If you will adopt this amendment as a substitute for the original bill, and the House concurs, as I have no doubt it will, not a whisper of discontent will be heard throughout this broad land. Our people have never been known to complain of Congress for doing justice to her citizens. By the adoption of this amendment you will do not only an act of justice, but you place homesteads within the reach of thousands who cannot obtain them under the present law. And what is equally as important, you present him no temptation to forfeit his self-respect. Men do not like to become paupers upon the Government, unless I have utterly mistaken the characters of those with whom I have lived all my life. I firmly believe that this amendment would not only be more acceptable to the people generally, but would be hailed with more joy than any act of Congress that has passed within the last thirty years.

Mr. President, it must be obvious to all who have closely observed the indications of public opinion, that something must be done with the public lands; some radical change in our policy with regard to their disposition must be made. You have an overflowing Treasury, arising from duties on imports amply sufficient to meet the most extravagant wants of the Government. We have, therefore, no excuse for persevering in the policy of selling these lands at a profit; no just reason for refusing to act liberally with the settler. I am confident that if this subject could be fully understood, and fairly presented to the American people, and their wishes could be expressed thereon at the polls, that nine-tenths of them would say with General Jackson, sell for such sum as will reimbuse the Treasury, but not on speculation. And if the other sex, man's better half, were consulted, their vote would be unanimous. I have said, and repeat, that something must be done.

It will be recollected that we have on our calendar a bill passed by the House, known as the Bennett bill, which provides for a distribution of the lands among the States. There was a time in our political history when a great party in this country passed an act for the distribution of the proceeds of sales of the public lands among the States. Another party, greater in numbers, resisted the policy, and appealed to the people upon it. Their opposition to it was ingrafted upon their platform of principles, and was sustained by the popular verdict. There it stands yet, with the seal of the people reversing the policy of distribution. It cannot be denied that this bill just alluded to, violates the spirit and intent of that feature in the platform of principles to which I have referred. It is substantially the distribution system, but in a much more objectionable form. The Whig party proposed to divide the proceeds. The Bennett bill proposes a division of the lands, thereby making freeholders of the old States and tenants of the new. The soil of a sovereign State is proposed to be owned and controlled by thirty other States; the land to be leased, rented, or sold for the highest possible price, according to the whim or caprice of the proprietor. Perhaps the Senators from Maine could tell us something of the practical effects.

We have heard much said from time to time on the subject of State sovereignty and Federal encroachments; but, in my humble judgment, there never has been a proposition introduced into either branch of Congress since the adoption of the Constitution, which involves a more outrageous violation of the just rights of the States, than the bill to which I have alluded. I have ever been opposed to the doctrine of nullification; but, sir, if any law passed by Congress would justify such resistance, it would be this. For the same reason, I opposed another bill on your calendar, known as Miss Dix's bill. No one appreciates more highly than I do the motives of that most benevolent lady and public benefactress; but I can never consent to make a donation of lands within a sovereign State, to a corporation without its limits. When this is done, you retard the settlement of the country, corrupt the morals of the people, depress the energies, and violate the sovereignty of the State. Congress has in several instances donated alternate sections of the public land to aid in the construction of railroads. This was right and proper, because the lands penetrated by those improvements are thereby enhanced in value, sought after and sold, and the reserved lands sell for more than the whole would have done without the improvement. I am not informed how it is in other States, but the greater portion of the lands granted to the Mobile and Ohio railroad, as well as those reserved to the Government, were not worth one cent per acre, and never would have sold for even that, without the improvement; but with it, they will be valuable. Beside this, the State of Mississippi has already paid into your Treasury immense profits on the entire cost of the lands sold within that State.

If I have not greatly deceived myself, Mr. President, I have shown that if the amendment I propose should be adopted, strict justice will be done to every interest concerned, yet so tempered with *mercy* that it will be acceptable to this great nation; that it will reimburse the Treasury every dollar expended in the acquisition, survey, and sale of the lands; that it will relieve the Government from the odious character of land speculator upon its own citizens; that it will augment the revenues of the Government by the increased prosperity of our citizens, it being the consumer of goods who pays the duties; and that it will be really more acceptable to those who are intended to be its beneficiaries than the original bill. It will be carrying out the humane recommendation of President Jackson, made twenty years ago. It is substantially the homestead bill without its objectionable features. It will benefit a much larger class of citizens. It will preserve the self-respect of those who are to enjoy its benefits, and will not be opposed by the people of the old States or the new. These, in my judgment, are sufficient reasons for the adoption of my amendment.

Before concluding, I will invite the attention of the Senate to a significant fact connected with this question. Since this bill has been pending in this body, many petitions have been presented praying its passage; but, so far as I recollect, not one petition has been introduced here from any point south of Philadelphia or west of Cincinnati, except Arkansas. Why is this? How comes it, that the people from the *land States* as they are called, are not asking the passage of this bill?

The reason is to be found in the fact, that the people of those States do not desire the lands upon the terms proposed, and that these petitions originate in cities crowded to excess.

Mr. WALKER. I have introduced several petitions in favor of the passage of the bill—one from the Senator's own State.

Mr. ADAMS. I had not noticed the introduction of the petitions referred to by my friend from Wisconsin. So many were introduced from Boston and New York, the others escaped my notice.

Sir, we of the West and Southwest desire nothing by way of charity at the hands of the Government. We desire to purchase your public lands, but we want them at reasonable prices. Grant us this, and by our industry we will become independent, self-sustaining freeholders, and enrich the National Treasury.

THE HOMESTEAD BILL.

SPEECH OF HON. A. C. DODGE,

OF IOWA,

IN THE SENATE, *February* 24, 1853,

In favor of the principles of the Homestead bill.

Mr. DODGE, of Iowa, said: Mr. President, that a discussion upon the merits and principles of the homestead bill should have arisen to-day, and upon the amendment now before the Senate, was most unexpected to me; but the views and opinions I entertain of the measure which has been so bitterly assailed, forbid that I should sit by in silence and permit what has been said to go unanswered. Though unexpected, I am not unprepared, in my feeble way, to defend the bill. Sir, the principle upon which that bill, providing homes for the landless, is based, is one dear to my heart—it has grown with my growth, and strengthened with my strength. It was my fortune to have been born upon the west bank of the Mississippi river, and to have lived in Territories upon the extreme frontier, and next to the aboriginal inhabitants of the country, until the State of which I am now a resident became a member of the Union. I have thus been enabled to learn something personally of the dangers, hardships, and difficulties, which are incident to the settlement of the public domain of this country, and which every individual who undertakes it has to encounter before he reaches that spot called a homestead, and which I now call upon you, sir, [Mr. BADGER in the chair,] and others from the land of Macon, to help me to secure to the immigrant settler—not my constituent, but your own—who, impelled by all the higher and nobler impulses of our kind, is seeking to better his condition, and that of the wife and children dependent upon him. That eminently wise and practical statesman, (Mr. Macon,) once said that he never saw an emigrant wending his way over the hills of North Carolina towards the valley of the Mississippi, that he did not wish him "God speed;" that he knew the landless poor man, who thus quit the place in which his lot had been cast—your State, if you please, (respectable in everything, and in some respects advantageously situated)—and seeking a home in the rich and fertile West, was on the road which would probably lead to independence and prosperity for himself and his children.

Sir, let me tell you that the bill which has to-day met the taunts and jeers of the Senator from Georgia, [Mr. CHARLTON,] who has ridiculed it in both poetry and prose, is a measure long held dear to the hearts of western people—to the tenant and poor man of every State in the Union, who is struggling to make a living by the sweat of his face. These, and such as these it is, who call for this measure. More than twenty-five years ago the Senate passed the bill of the late eminently distinguished Senator from Missouri, (Mr. Benton,) graduating the price of the public lands and making donations to actual settlers, and for that measure the Randolphs and Tazewells of Virginia, and the Macons of North Carolina voted. But, sir, by a resort to that system of legislative tactics and opposition, such as the enemies of this measure seem ever willing to have recourse to, it was defeated. The persons for whose benefit this bill is intended are not here. They have no lobby or special delegates to meet Senators and Representatives whenever they go without the bar of their respective Houses, to make interest for them. Several times during the last twenty-five or thirty years, their friends have succeeded in passing through one or the other House of Congress measures similar to this, but not receiving the sanction of both, they fell between them; and I say, with feelings of the deepest apprehension and regret, that I believe this, the best bill of the kind which has passed either branch of Congress, is in imminent peril from the inattention or indifference of some of those who ought to be its best friends. I repeat, that twenty-five or thirty years ago the Senate of the United States passed a bill to donate the refuse lands to such persons as would actually inhabit and cultivate the same for a period much shorter than that fixed in the bill spoken *at*. After a seven years' struggle of the people's Representatives in the other House, that bill, thus assailed in advance in this body, passed. And I now have in my eye its indefatigable and indomitable author, an esteemed friend and member of the House, [Hon. ANDREW JOHNSON, of Tennessee,] to whom, as one deeply sympathizing with him in sentiment, I return my thanks as an Iowa man. He is the type of the men for whom this bill is intended—now a most able and faithful member of Congress, once a mechanic struggling with poverty and working with the hands which God gave him, and expending that sweat by which it was the decree of the Almighty that man should obtain his bread. Cannot those who profess friendship for the people be willing to take his seven years' labor and exertion at least sufficiently long to try the practical operation of this bill?

Let me tell my friends, the Senators from Georgia, [Messrs. CHARLTON and DAWSON,] that I often meet Georgia emigrants in Iowa. His colleague will well remember a numerous family of emigrants, (of the name of Wooddy,) neighbors and friends of his, who moved from Dahlonega, in Georgia, and were among the very first settlers upon the lands acquired from the confederated tribe of Sacs and Foxes in 1842, in the then Territory of Iowa. The old gentleman was of revolutionary memory, and it was my great pleasure to succeed in getting him a pension for his services in the War of Independence. He had numerous descendants; and as an evidence of their deep attachment for the place whence they came, they named a little town which they laid off on the public lands, Dahlonega. Could those Georgians, male and female, be brought as witnesses to the bar of this Senate, they would testify that which I do now—that if there are any people on God's footstool who deserve the helping hand of their Government, it is those who go into the wilderness to reclaim it to the use of man, who fell the forest, erect the log cabin, and plow that earth in which has lain golden harvests ever since the flood. Let me tell the junior Senator from Georgia that that voice of his, musical with poetry as it is, would fall most unharmoniously upon the ears of those former neighbors and friends of his colleague.

Senators, when they speak of the gift made by the homestead bill, should be reminded that it is no gift at all. You, who claim the ownership of one billion four hundred millions of acres, stretching with slight exceptions from the Balize to the forty-ninth parallel of north latitude, and to the Pacific ocean, are called upon—to do what? To settle those great forests and desert prairies in the West, by saying to the man who may be wearing out his body upon the poor hills of North Carolina, East Tennessee, or elsewhere, and who is obliged to give a large portion of his labor to some landlord, if you go to this distant domain, settle and improve it, you may, after five years' actual residence and cultivation, obtain a patent for the one hundred acres thus occupied and improved. Can that which is so well, so dearly earned, be called a gift? I think not.

The homestead bill is not now before us, but if it were, I would beg my friend from Mississippi, [Mr. ADAMS,] in all sincerity and earnestness, and with that perfect respect which I entertain for him as a man and for his motives, not to interpose any obstacle to its passage. I would say to him, Your friends and my friends in the House of Representatives, after a long and severe struggle, have succeeded in passing a bill, not in all its features such as we could wish—for it contains hateful restrictions coupled with onerous conditions—but yet much that is good, and above all, an acknowledgment of the homestead principle. Therefore I hope the honorable Senator will not interpose objection to the bill, but rather aid its passage through the Senate.

Mr. President, there are few subjects—I think no other—of more interest to our nation and people than that introduced incidentally by the amendment of the Senator from Wisconsin, [Mr. WALKER,] and discussed at length by the Senators from Mississippi and Georgia, [Messrs. ADAMS and CHARLTON]—the best disposition of the public lands. I had hoped, but it seems from the course of argument of the Senator from Georgia [Mr. CHARLTON] vainly hoped, that the day had passed by when it was necessary to enter into any formal argument to establish the generally-conceded fact, that the independence, comfort, and wealth of a nation depend more upon its success in agriculture than in any other branch of human industry. It is the farmer who feeds the manufacturer, the artisan, the ship-builder, the beggar, and the king; and yet how little of protection, much less aid, has he ever received from our Government! The despotisms of the Old World, in this respect, contrast most favorably with our Government, considering the day and generation for which they acted. From the discovery of the continent of America they adopted a policy of bountiful munificence in the bestowment of their domains by gratuitous donations of land to those who would settle upon and improve them. It was not on the strength of their armies or navies; not in the rigor or lenity of the administration of their governors-general, intendents, or military commandants; nor in their ability to overcome and subdue the aboriginal inhabitants of the New World, that the European potentates expected to establish their power on this continent. It was a wiser system which governed the policy of the statesmen of England, Spain, and France, beginning on the part of Great Britain, with her commission at the close of the fifteenth century to Cabot, the discoverer of North America, and prosecuted in spirit from that time until now as her provincial policy—pursued also in principle by the other two great Powers since the foundation of their respective land systems on this continent. What were those systems? They were certainly not, in many of their provisions, such as we would adopt at this day. But I think that they were eminently wise and judicious in this, that their tendency was to encourage the settlement of the country by every means which could induce emigration; by gratuitous concessions of immense bodies of the richest lands upon chosen spots, in anticipation that these would be future cities, great commercial points, villages, and the homes of thriving farmers, and of an active and busy population. These grants were not merely restricted to small parcels for individual accommodation, but frequently of immense extent, designed for the reception of hundreds of families, to whom it could be subdivided in small allodial allotments. It has become a fixed principle of the public law, conceded and established by the civilized Powers of the world, that the possessory claims of wandering tribes must yield to the natural and revealed rights of man, which confers on him the privilege of reducing the earth into possession, and of gaining from it his subsistence by the sweat of his brow.

I have said that on the part of Great Britain this principle was recognized in the commission to Cabot, conferring the right of discovery and possession, notwithstanding the occupancy of the Indians, and asserting the superiority and priority of absolute right over them of every Christian people. The British charter, in the last quarter of the sixteenth century, to Sir Humphrey Gilbert, affirmed the same right; and the first permanent English settlement was under a charter at the beginning of the seventeenth century from the British King to Sir Thomas Gates and his associates, of the sea-coast lands, from the thirty-fourth to the forty-fifth degrees of north latitude, which was shortly afterward followed by an enlarged charter to the adventurers of the city of London for colonizing in Virginia, giving them an absolute proprietary right of several hundred miles of sea-coast, and from sea to sea. The title to these

lands having been subsequently re-vested in the Crown, a new and more enlarged charter was granted in the year 1620 to the Plymouth company, giving them an absolute right in all the lands between the fortieth and forty-eighth degrees of north latitude. The New England States in a great measure have been settled under this charter, and in like manner might be traced the progress of British policy, by which other English colonies, now integral parts of our Union, were traced out and established—the Crown exercising the granting power in all cases where the proprietary interest had not been conceded.

And so, if we glance at the administration of the authorities of France and Spain in Louisiana—notwithstanding that Province was settled by emigration from Canada, where the feudal principles and the ancient French *noblesse* existed, yet the settlers there held their lands, both under the French and Spanish *regime*, by allodial tenures, or, in our parlance, by absolute fee-simple right. The spirit of the royal authorities was a liberal and magnanimous one to the feeble colonist seeking a home upon a far-distant territory, and excluded from the comforts and luxuries of the parent land. Hence we find that Louis XIV., in whose reign the Province of Louisiana was first settled, exhibited the utmost liberality to those engaged in colonizing the country; and, departing from the feudal exactions and restraints, he fully recognized, first in his charter to Crozat, in 1712, and afterwards in his grant to the Indian Company of the West, in 1717, the principles of allodium, or absolute proprietary rights in the grantees.

It might be both interesting and instructive, did the occasion permit, to give the details, and to trace out the practice and progress of the great European colonizing powers on this continent; but suffice it to say, that the history of the past fully establishes the fact, that their policy was conceived and administered in an enlarged and magnanimous spirit. A review, however, of the history of our own system will be more to the point, and will furnish, it seems to me, a strong argument in favor of what is sometimes sneeringly called in this body "progress." It is curious to look back at the earliest law passed by Congress for the sale of the lands of the United States. It provided for their sale in tracts of four thousand acres each; and did not allow the selling of a smaller quantity, except in cases of fractions created by the angles and sinuosities of the rivers. This law, in effect, was a prohibition to the poor man from even *purchasing* a freehold, and enabled capitalists to become the exclusive proprietors, and to sell the land to the cultivator at exorbitant prices, or else force the latter to be tenants under the former.

The views and opinions of many of our statesmen, derived from Great Britain, and which, at that day, were impressed upon them with all the force of education and association, make it not surprising that they should have deemed it advantageous to create a landed aristocracy; but their error may have arisen from accident, or circumstances of which we have not now a just appreciation. It is not, however, uninteresting to take a retrospect of the first awkward attempts at Republican legislation, and to observe how gradually we have shaken off the habits of thought in which we were trained, and how slowly the shackles of prejudice have fallen from around us.

The first progressive movement from the original system of selling large tracts, and on credit, was the passage of the act of the 10th of May, 1800, which provided for sales in sections and half sections. This law was certainly one of a most beneficial tendency, and its passage forms an era in the history of this Republic of perhaps greater magnitude and interest than any other in our annals. No other act of the Government has ever borne so immediately upon the settlement, the rapid improvement, and permanent prosperity of the western States. Previous to the year 1820, the United States required *two dollars* per acre—one fourth of which was paid at the time of purchase, and the remainder in three equal annual installments. This mode of selling did not, however, work well, and was abandoned in the year last named for the present system and price of $1 25 per acre. Since then, Congress has, from time to time, modified the system, and reduced, with conditions and restrictions, the salable quantity as low as *forty* acres.

Almost every one within the sound of my voice knows how bitterly and vehemently some of the ablest and most patriotic statesmen, during nearly the whole of the last quarter of a century, have opposed and fought the passage of laws granting the right of preëmption to the pioneer in the purchase of his home.

Now, what is the attitude in which our own Government stands to the subject? Why, we hold as a Government to the people the position of a great monopolist land-holder, with an absolute proprietary right in *fourteen hundred millions of acres!* This magnificent estate is parsimoniously doled out at a fixed price per acre to its own people. By this system, and through the medium of land warrants with which you have so bountifully furnished him, the wealthy speculator is enabled to seize upon immense tracts of country as they are brought into market, whole counties perhaps, and hold them until the stern necessities of an advancing population, and a resistless tide of settlement, enable him to command his own price. Look at the ruinous effects of this, growing out of the monopolist speculations of 1836, when the sales under a bloated paper currency rose up to more than *twenty-five millions* in a single year, and was followed by disastrous results. The settler became tributary to the capitalist, money was unnaturally diverted from its legitimate channels, individual and public prosperity was checked, and, indeed, for the time, almost hopelessly prostrated. In the commercial changes and revolutions to which, at times, every nation becomes subject, there is nothing so certainly calculated to increase the elements of distress and public and private mischief, as a system having the authority of law, which could countenance such speculation.

The whole cost of the public lands to the 1st January, 1850, including their purchase, survey, sale and management, was $74,957,879 38.

The aggregate receipts from their sale to the year and month named, was $135,339,093 17.

This estimate does not embrace California, Oregon, New Mexico, or Utah. Deduct the aggregate cost from the aggregate receipts, and we have a net balance in favor of the United States of $60,381,213 79.

Twenty millions of dollars were paid for Louisiana and Florida. These acquisitions would have been worth more than that amount for their commercial and maritime capacities and advantages, and not including the fee-simple of the soil—they, if you please, retaining it as TEXAS has. Deduct the amount of their cost, ($20,000,000,) and the actual profit to the Government from the sale of its domain is eighty million dollars and upwards, ($80,381,213 79.) It is proper to make this deduction, for the value of the land in Louisiana and Florida was not the consideration which induced their purchase. The United States, for great national purposes, needed the control of the mouth of the Mississippi and the Gulf of Mexico. The same high considerations and wise policy dictated the expediency of our acquiring California, with her unrivaled bay and harbor of San Francisco. As a mere question, then, of dollars and cents, the Government might here be willing to stop, for it has been more than reimbursed.

Our prosperity and growth as a nation will, in my opinion, be greatly accelerated by the adoption of a different principle: one that will repudiate the system of doling out the public lands at a certain number of shillings per acre, as a source of revenue and Treasury profit. The new States and the Territories will suffer most by continuing this system, and especially by the passage of measures tending to excite and aggravate it, such as I have before adverted to. The mania of speculation will soon sweep over them like the Sirocco blast, prostrating all within the range of its poisonous and desolating career. These embryo States, so far as regards the public domain, will cease to be the territories of the Union, and become the property of monopolists, possessing their soil, delaying their admission into the Union, and thus shaping their destiny for half a century. Witness the deplorable condition of Ireland; the sad evils of anti-rentism in New York; of non-resident proprietorship of the Half-breed lands—so called—in Iowa; Lord Murray's possessions in western Wisconsin, and numerous other instances of absentee landlordism in other western States and Territories.

The settler, only when his necessities demand it, appears at the door of the Government official seeking to purchase a home. He finds that immense tracts, nay whole counties, and almost whole Territories, are thus excluded from actual settlement for an ordinary lifetime, and he is driven further in his pursuit of land, or is forced to become a tenant. Could any system be devised more destructive of equal rights and Republican principles? In vain will we have eschewed the feudal system, with its relation of lord and vassal, if we defeat the homestead bill, and create and continue to issue, as is proposed by numerous mammoth schemes now before us, this paper currency, called land warrants, to be used as it is, to absorb the public domain and regulate the terms of its sale and settlement.

Excluding the years 1835 and 1836, the average sales of the public lands from 1796 down to 1847, is about one million and a half of acres per annum. Owing to an increase in the circulating medium, but more especially to the enormous issue of land warrants, the sales amounted to $4,870,067 during the last fiscal year. Of these sales nearly three and a half millions of acres were for bounty land warrants; being an increase over the previous years of nearly a million of acres thus absorbed by these warrants, which I greatly fear are being most extensively used to pass the title from the Government to the speculator. The following letter from the Commissioner of the General Land Office, bears upon this point.

GENERAL LAND OFFICE, *February* 12, 1853.

SIR: In answer to your inquiry, I have the honor to state:

That the whole amount of lands sold during the years 1844, 1845, 1846, and 1847, was.....8,383,326.66 acres.
Making a yearly average of.....2,095,831.66 acres.
The whole number of entries during said period was.....155,130
Or a yearly average of..... 38,782

This makes an average of 54 4-100 acres to each entry, showing that a large majority of the entries were in 80 and 40-acre tracts.

In the year 1846, there were sold in the Fairfield district, in Iowa, 180 tracts of 160 acres each, equal to..28,800 acres
1,028 " " 80 " " " 82,240 "
967 " " 40 " " " 38,680 "
Total. 2,175 149,720 acres
Making an average for each sale of 68 8-10 acres.

With great respect, your obedient servant,
JOHN WILSON, *Commissioner, &c.*

Hon. A. C. DODGE, *Senate.*

This shows the average of sales for the four years therein named to be about two millions of acres as the maximum quantity required for annual settlement and cultivation. The absence of all artificial causes exciting speculation in the four years enumerated, and the preponderance of forty and eighty-acre entries, show that the great body of the land sold was purchased by those who desired it for homes and improvement.

Now, if the Government of the United States really consulted its own interests in a pecuniary point of view, would it not, instead of making the public lands a source of direct annual profit by the sales producing a revenue now of some two or three millions a year, discard that system and throw open this estate to an industrious and energetic population, which would give back in exchange a rich and perpetual stream of wealth, fed by all the elements of a nation's prosperity? But not only in this respect should we consider our duties and obligations. This Government stands in the position of a political parent, whose duty it is to watch over, guard, and protect the interests of every citizen. That duty requires that we should enable every one within the limits washed by the Atlantic and Pacific oceans, to secure a farm or homestead for himself and family. That is a generous, nay, just and noble system, which would repudiate this selfish policy of shillings, and look to one which is more in accordance with the genius of our institutions. Let this Congress of the United States come up to the important subject under a proper sense of what is due to our people and our country, and by adopting a measure like this they will rescue from a state wholly unproductive, thousands of square miles; will convert them to the great purposes of life—thus subserving the ends of our being; and will add new stars of equal brilliancy to

those now constituting the galaxy of the American Union.

Mr. President, the homestead bill, so called, comes to us with a strong indorsement from the people's Representatives. It passed the House, after having been before that body for nearly seven years, during which time it was considered and discussed in nearly all its aspects and bearings. It is emphatically a measure of progress, and one which I think, if enacted into a law, is destined to produce benefits to our whole country. In examining the objections which have been urged against this measure, I am astonished to perceive that they are but a repetition of those which were made against every preëmption and graduation bill that has ever been brought before Congress since the commencement of our land system; and yet, at this day, so great has been the triumph of correct principles, that few, if any, can be found who will raise their voices against preëmption or graduation. Try this measure in its practical workings for but a few years, and like results, I venture to predict, will be produced. This homestead bill is but a just tribute to agriculture—that first, noblest, and God-favored calling of man. It is the only measure at all likely to come before Congress for the benefit of those who till the earth for a support; and this consideration, of itself, is sufficient to commend it to my support. It will not only be an evidence of the favor with which Congress views the cultivation of the soil, but it will tend greatly to increase the number of those engaged in that pursuit, thus augmenting the productions of our country, and the comfort, independence, and happiness of our people. Some think that it will destroy the receipt of all revenues from the public domain. In this opinion I do not concur. Indeed, I may say, I *fear* they are mistaken; for I have long been of the opinion that the best interest of the Republic demand an abolition of the auction or private sales of the public domain, and that it should be conveyed only to those who design to settle upon and improve it. The gigantic and ruinous speculations in the public lands in 1835-'36, to which I have before alluded, can never be forgotten in the history of this country. It was in the year last named that the late distinguished Secretary of the Treasury, R. J. Walker—then a Senator from Mississippi—brought forward a bill in this body to put an end to all speculation in the public domain, and to restrict its sale to actual settlers and cultivators. It was the measure of a statesman, and, if it had been adopted, would, I humbly conceive, have wrought great benefits to our whole country.

The fact, so often mentioned, that a poor man can now buy one hundred and sixty acres of land for $200, is, according to the conceptions of my mind, no objection to this bill. There are many thousands of families in this country—good and deserving people—who never saw the day, and never will see it, when they will have that sum, or the half, or the fourth of it, ready to pay down for a quarter section, an eighty acre, or a forty acre tract. I further give it as my earnest belief, that no one hundred and sixty acres, in a state of nature, on the extreme verge of civilization, is worth $200 to him who buys for no other purpose than settlement and improvement. I think the policy of holding on to the public domain, with a view to extorting the last dollar from the cultivator, unwise and impolitic. I can quote eminent authority to show that it is so. Hear the great Edmund Burke, who said, in the British Parliament:

"A landed estate is certainly the very worst which the Crown can possess." * * * "All minute and dispersed possessions—possessions that are often of indeterminate value, and which require a continued personal attendance—are of a nature more proper for private management than for public administration. They are fitter for the care of a frugal land steward than of an office in the State." * * * "If it be objected that these lands, at present, will sell at a low market, this is answered by showing that money is at a high price. The one balances the other. Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered, whenever any property is transferred from hands which are not fit for that property to those that are. The buyer and the seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the Exchequer." * * * "The revenue to be derived from the sale of the forest lands will not be considerable as many have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects wherein the expense of that purchase may weaken the capital to be employed in their cultivation. The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; events infinitely more advantageous to the revenues of the Crown than the rents of the best landed estate which it can hold." * * * "It is thus I would dispose of the unprofitable landed estates of the Crown: *throw them into the mass of private property;* by which they will come, through the course of circulation, and through the political secretions of the State, into well regulated revenue." * * * "Thus would fall an expensive agency, with all the influence which attends it."

But I have higher authority than even that of England's great statesman. We are commanded in that book which should be the rule of life for all, not to glean either the "sheaf," the "grape," the "olive," or the "corners of the land." The soil of a country is the gift of the Creator to his creatures, and in a government of the people, that gift should not become the object of speculation and monopoly. I am strongly of the belief that these donations will work great good both to the Government and the people. All other Governments have made them. The domain of the United States is the only one, I believe, for which pay was ever demanded in gold and silver, before it could be settled and cultivated. Different was the conduct of other Governments, and even that of the States owning land: Kentucky, Tennessee, and one third of Ohio, and a considerable portion of Georgia—if my information be correct—were settled by free grants of land. Upper and Lower Louisiana, and the two Floridas, as I have before remarked, were settled by gratuitous donations from the Kings of Spain. Since those countries have become ours, the early settlers, to whom these grants were made, have been harassed and annoyed by having their titles contested by the United States officers in the courts, and in every other conceivable manner. Very different has been the policy of the conterminous and other Governments on this continent. Are not the British lands in Canada given at this day to all who will come and take them? In 1825, the British Parliament, with a view to the strengthening of a remote province, appropriated £30,000 sterling (nearly $135,000) to pay the expenses of emigrants moving to Canada. Look at what Mexico and Texas have done. They have given land in immense quantities to any one who would go and take it within their limits. It is a well-known historical fact, that a large number of our citizens abandoned this, the land of their nativity, and the freest Government on earth, many years since, about the time that Austin went to Texas, and accepted the landed bounty of foreign, and at that time despotic Governments—their own offering none.

In the West Indies, and all over South America, the same liberal system of disposing of the public domain has prevailed. I read from a decree of the Republic of Colombia, dated June, 1823:

"The Senate and House of Representatives of the Republic of Colombia, united in Congress, considering: 1st. That a population, numerous and proportionate to the territory of a State is the basis of its prosperity and true greatness; 2nd. That the fertility of the soil, the salubrity of the climate, the extensive unappropriated lands, and the free institutions of the Republic, permit and require a numerous emigration of useful and laboring strangers, who, by improving their own fortunes, may augment the revenues of the nation, have decreed:

"That foreigners emigrating to Colombia shall receive gratuitous donations of land, in parcels of two hundred fanegas (about four hundred acres) to each family. That it may be chosen in the middle or the mountainous districts, in the regions favorable to the production of sugar, coffee, cocoa, indigo, rice, cotton, wheat, barley, rye, and all the varieties of fruits, both of tropical and high latitudes. That five years' cultivation shall entitle a foreigner to naturalization. That $1,000,000 be appropriated in aid of agriculture, to be distributed in loans to industrious farmers."

Such was the conduct of the free Republics of South America. All of them did the same;—but it is unnecessary to cite their numerous laws to that effect. Throughout the New World, from Hudson's Bay to Cape Horn, (with the single exception of these United States,) land, the gift of God to man, is also the gift of the Government to those who will improve it. This wise policy has not been circumscribed to the New World—it has even prevailed in Asia.

The King of Persia published, in the London newspapers in 1823, a proclamation, from which I read:

"Mirza Mahomed Saul, Embassador to England, in the name, and by the authority of Abbys Mirza, King of Persia, offers to those who shall emigrate to Persia, gratuitous grants of land, good for the production of wheat, barley, rice, cotton, and fruits, free from taxes or contributions of any kind, and with the free enjoyment of their religion, the King's object being to improve his country."

The object here stated by the Persian King, to improve his country, is one worthy to be observed and imitated. Shall this Government, the creature of the people, and made for their benefit, be less wise in its policy, and less generous to its citizens than the despotisms of the Old World, or the Republics of the New? I trust not! Land was *given*, not *sold*, in that country which was the peculiar care of God. "*God gave the earth to the inhabitants thereof.*" The promised land was a gift to the children of Israel; one dollar and twenty-five cents the acre was not demanded for it; nor the actual cultivator expelled from his home, if he possessed not the *two hundred dollars* to pay down for the one hundred and sixty acres, and his home sold, under the hammer, to the highest bidder; land was then the gift of God to man, and to woman also; for the daughters of Manasseh were permitted to inherit and partake of the bounty of the Giver of all good.

Mr. President, to show the evils of the present land system, I call your attention to a letter from the Commissioner of the General Land Office respecting the State of Missouri. From this letter it is seen that that State contains a superficial area of about 65,037 square miles, or 41,623,680 acres; of this quantity 17,125,174 acres have been sold, and 188,901 acres absorbed by Spanish and French grants, leaving 24,309,605 acres unsold upon the 30th day of June last, according to the Commissioner's statement now before me.

Under the present wretched system of disposing of the public lands, the first sales in Missouri took place in 1818. Thus, if it has taken thirty-four years for the Federal Government to sell 17,125,174 acres, by the same ratio, estimating by the rule of proportion, it will take forty-eight years to dispose of the remaining lands in that State. The 24,309,635 acres, divided by 160, the quantity given to each settler under this bill, would add to the population of the State 151,935 land-owning and tax-paying inhabitants.

In Michigan the state of things is even worse, as is seen from the following letter of the Commissioner of the General Land Office:

GENERAL LAND OFFICE, *February* 25, 1853.

SIR: In reply to your inquiries of this date, I have the honor to inform you that the first public sale of lands in Michigan was made in the year 1818. From that date to the 30th June last, a period of thirty-four years, there was sold and located by land warrants 9,858,670 acres. On the 30th June last there remained undisposed of the quantity of 19,679,811 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about *sixty-eight years.*

With great respect, your obedient servant,

JOHN WILSON, *Commissioner.*

Hon. A. C. DODGE, *U. S. Senate.*

These are but fair samples of the injury inflicted upon the West by the present system. Is there any Senator so dead to the interests of Missouri and Michigan as to wish to prolong this state of things?

To show how much the advantages of this bill are overrated, I call attention to the fact, that a few years since we passed a law granting to settlers in Oregon, free of cost, and on condition of settlement and five years' occupancy, much larger quantities of land than are proposed to be given by this bill; and yet you find the people, owing to the abundance of money, caused by the discovery of gold in California, asking a repeal of the restriction, and that they be permitted to pay for their lands. Such a law has been passed during the present session, and those settlers now have their option of purchase or conditional gift. I only refer to this circumstance to show that the conditions imposed by the homestead bill are rigorous, and are so regarded by its beneficiaries—those at least of them who are so fortunate as to accumulate the means necessary to pay for their claims before the expiration of the five years.

The constitutional power to pass the homestead bill I regard as clearly conferred. Its language is:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

What more needful rule and regulation could be established than settlement and cultivation? And

considering the sources whence our governmental revenues are raised, what more beneficial one could be devised?

Acting under this power, Congress has recently made donations to an enormous amount to the soldiers of the Mexican war; to those of the war of 1812, the war of the Revolution, Bonaparte's exiled marshals and soldiers, to General Lafayette—to say nothing of the sixteenth and alternate-section grants to States and companies.

Of a population of over twenty-three millions of inhabitants in the United States, the head of the Census Bureau, in reply to a request of mine, has furnished me with an esimate approximating accuracy of the number of real-estate owners in the United States, which he fixes at two millions three hundred and thirty-two thousand nine hundred and nineteen; and this, I presume, is about the number.

Mr. President, there never was a measure so abused, so misrepresented, so vilified, as has been the homestead bill. In the first place, a large portion of the country has been made erroneously to believe that its grants are made to foreigners, and we of the new States have been told that its enactment would bring hordes of foreign paupers upon us. Like every measure of progress and reform, it is fought with all sorts of rawhead and bloody-bones argument which can be invented. Is there any public man who has the courage to dare to propose a repeal of the naturalization laws of this country? I opine not. I take it that Native Americanism is so dead that it will never kick again. Then, if that be true, and these foreigners come to us in the numbers in which they do, I ask you, in the name of God, what will you do with them? Will you keep them in your cities?—will you keep them where they are denied the opportunity of cultivating the soil of the country?—or will you hold out to them a generous inducement, such as the homestead bill does, and such as all Governments on this continent have held out? The British on the north, and the Mexican and South American Republics on the south, have invited and attracted foreigners. Will you not rather choose to elevate their condition by inviting them to the magnificent and fertile plains of the West, upon which they can settle, and their daughters and sons grow up and be useful and respectable? It is within the range of human probability that under the spirit and genius of our institutions and the glorious provisions of our Constitution, some of the descendants of these much-abused and hated foreigners may attain even the Presidency of these United States. In your legislation touching the public lands, you seem to have forgotten that population as well as soil is necessary. You forget the lesson taught by a Greek, and elegantly paraphrased by a British, poet:

"What constitutes a State?
Not high-raised battlement nor labored mound—
Thick wall nor moated gate;
Nor cities fair, with spires and turrets crowned;
Not bays and broad-armed ports,
Where, laughing at the storm, rich navies ride!
Not starred and spangled courts,
Where low-bowed baseness wafts perfume to pride.
No! men! high-minded men!—
Men who their duties know,
But know their rights, and knowing dare maintain,
Prevent the long-aimed blow,
And crush the tyrant when they burst the chain.—
These constitute a State."

THE HOMESTEAD BILL.

SPEECH OF HON. R. M. CHARLTON,

OF GEORGIA,

IN THE SENATE, *February* 24, 2853,

Against the principles of the Homestead bill.

Mr. CHARLTON said: Mr. President, I had proposed to address the Senate upon what is often called the homestead bill; and as I understand that the amendment now pending before this body has been made to come as near to that as it is practicable, under the existing rules of the Senate; and as I understand that this is to be but the entering wedge, but the beginning of a system which will end in the homestead bill, I will take the liberty of attacking the true system, and not the false one that is apparently presented before us. I think it is a good rule, in civil as well as in military warfare, to attack the vedettes before you come to the main guard; and I do this the more readily, as, doubtless, we shall have the homestead bill before us at the close of the session, when it will be too late to debate it.

I cannot yield my assent to the principles involved in this bill. I do not think that sound policy, true political economy, or the great interests of our country are at all protected or preserved by it. Not questioning for a moment the motives of those who advocate it, I consider that its passage is well calculated to demoralize the very class whose benefit seems to be its main object. I believe that it will lend a helping hand to idleness, profligacy, and vice, and that it will throw a temptation in the way of honest industry, which may turn its feet aside from the path of usefulness and success in order that it may obtain a gift that will be worthless when it is procured. If I am right in these opinions, it is the duty of us all to defeat the measure before us. If I am wrong in my conclusions, I have the satisfaction of knowing that nothing that I can say can pervert the judgment of the "older and better" legislators around me.

I propose to state, very briefly, the reasons for my convictions; and my first objection to it is, that whilst it seems to be founded upon the agrarian principle, that each man shall share equally in the public lands, and that this Government is but the trustee for its citizens, yet it does not carry out the very idea that is its basis; it is unequal in its operation; it gives the public domain only to those who have no land at all at the time of such application, and who will swear that they have not disposed of any land to obtain the benefits of this act. Why these provisions? Why exclude the honest laborer, who, by the sweat of his brow, had purchased his farm and erected his homestead? Why, in the division of the spoil amongst the *cestui que trusts*, thrust aside the successful tiller of the ground—the experienced cultivator? Why give the common property only to him who, by his idleness had never obtained his tract of land, or by his extravagance, or folly, or inexperience had wasted it? Is this to encourage agriculture and other branches of industry, which the title of this act declares to be its object?—or is it not to waste the country's treasures upon those who had hitherto been too idle to acquire property, or too unskillful to make it useful? It seems to me that the proper course, if any such distribution must take place, (which I exceedingly deprecate,) would be to give equally to all. The indigent man may have become so without his own crime or folly; but what have these done—the successful, the industrious, the honest, that they should be excluded? Why should you put a penalty on thrift, and reward only the man who has had neither the industry nor skill, in this favored land, to shelter his "landless head" from the storm? No successful answer can be given to these questions, unless we are advancing to the opinion that all property in land is a robbery, and that he who has already obtained a portion, though it may be by honest industry, shall have no more,—an opinion which I trust no one here entertains, and no one here will advance.

But it will be said, he that has already an estate in land needs no more; we wish to supply him who has none; we wish the soil to be cultivated; we wish agriculture to be improved; we want to give a start to the poor man, and to throw around him the comforts of a home. We want to convert this barren domain into a beautiful garden spot, and to change, by the magic power of the spade, the hoe, and the plow, the noxious weed into the life-sustaining plant. We want to make the desert blossom like the rose, and to make the untrodden path of the prairie the highway for vast multitudes of freemen. All this sounds well; but if it is said that this act is going to accomplish all or any of these things, I am afraid that, like most such romantic and poetic sentiments, there is more beauty of diction than there will be truth in fulfillment. Let us take them up in their order, and hold them up to the candle of reason.

You begin, as I have already said, by excluding the man, whatever his ability, whatever his industry, whatever his honesty and experience, who owns a single acre of land—a single acre will exclude him. No matter how poor he may be, if he has either the misfortune or crime to own a rood of land, his unhallowed foot shall never tread this sacred soil. His land may be barren, it matters not; his children may be starving, it is of no consequence; he may, by his experience and knowledge of agriculture, be the very person for the cultivation of this rich soil—all this cannot be listened to. He may be a native born, whose father's blood helped to purchase the freedom of our country; he may be a naturalized citizen, who has proved his devotion to our free institutions by daring valor or indomitable energy; still the answer that will meet his ear will be, You have already land; you can have no more. He offers to sell his parental homestead, even which, to advance his childen's interests, he may be willing to abandon;—this act still declares he shall not participate in its benefits, while it gives no other reason for the exclusion than the single and unmeaning one that he has land already.

Now, if the true motive of this bill were to cultivate the soil, and to promote agriculture, one would think that these objects would be obtained by allowing this class of men, who had shown their energy and success, to participate in the benefits, and to extend the circle of their usefulness. Certainly some limit might be made, so as not to thrust aside the mere nominal holder of a few feet of soil. But let us proceed. This act is intended, say some of its advocates, for the aid of the poor man—to give him a start, and to throw around him the comforts of a home. But how does this appear? This act includes only those who have no land. There are hundreds of thousands in this Republic who, while they own no soil, have their gold and silver and jewels, their bank stock, their notes of hand, and other personal estate. They are wealthy and prosperous; they may nevertheless come and take their quarter section. How is this act, then, only meant for the poor man? It will be said, that no man of wealth will come; but that is no answer. He may if he will—the law does not exclude him; but the law does exclude the poor man who has no personal property, but a little soil of his own—it matters not how little. Poverty is not the test—ownership of land is.

But, sir, if this objection were out of the way, it would not change my views. I do not like this bait that is thrown out. I do not like this beginning of a system that seeks to array one class of our country against the other—that suggests to the poor man that he alone is the owner of the soil. I do not like the under current that steals under the apparent tide of sympathy. Let me not be misunderstood, sir. I am not one of those who look upon penury as a crime. In many cases it is the decree of Providence: "The poor ye have with you always," was as well the assertion of a truth as the announcement of a prophecy. So it has ever been, and so will it ever be; and he is but a traitor to the best interests of humanity and his country who does not do what he reasonably can to alleviate the sufferings of those less fortunate than himself; and poverty and suffering are appeals that this Republic of ours has always answered to. Witness its hospitals, its asylums, its charitable institutions. Witness its succor to Greece and to Ireland. Witness its outstretched arms to receive every one upon whose neck the iron heel had pressed.

But there are lawful ways of showing sympathy, and there are unlawful ones—and this system is an instance of the latter. Besides, sir, you encourage poverty by this plan. You reward it, in the first instance, though it may have been the result of vice or sloth; you protect it, you perpetuate it, by making the property you thus bestow, not liable for any debt which may be incurred for five years; and whilst you leave the fruits of the ground subject to legal process, you take away the inducement to produce more than is barely sufficient for sustenance. You encourage recklessness and idleness; you stereotype the indolence and want of foresight which you found in a more imperfect state. Mr. President, I know that poverty is no crime, not always; but I know that idleness is, and ever has been; and I know that poverty which is the result of idleness, is something worse than a misfortune. "He that will not work, neither should he eat," is the language of inspiration. In this free country, where honest effort and brawny arms always meet encouragement and

reward, there are few healthy "heads of families" who cannot earn the support of themselves and children; and if they are not healthy, believe me, sir, the great interests of agriculture will not be promoted by giving them in charge to the puny strength of the diseased frame. Human nature is sufficiently prone to inertness. You do not do your duty to your country by encouraging it. Industry has its own reward; stimulate it, do not retard it. Let the young man feel and know that with it the highest honors of his country are within the range of his effort, and let him feel and know that it is his duty to himself and to his country to march forward with untiring energy to the attainment of honor and of usefulness. The walls of this Chamber have often echoed to the eloquent words of those who have worked their way up from honest poverty by their energy and industry, who might this day have been the miserable tillers of a "quarter section," if such a bait had been held out to them; if such a miserable cheat had deluded their minds.

But still, it may be said that this bill, although highly objectionable in many other respects, has a good principle within it, which should silence all cavils. It is intended to encourage agriculture—that great measure so important to the best interests of our country; and not only that, but it is to encourage commerce, next in importance to this our land; the grain, the fruit, the cotton, the tobacco, the whisky, (last not least,) will be borne beneath our country's flag to all parts of the world, through the means of this bill. Nor these alone: manufactures will be improved by it. The skillful artisan will become more skillful by its influence—how, nobody knows. We must take that on trust; but still, in some way, this will be the result, and the benign blessings of this act will be the medium. These are certainly great objects; no one can deny that. But, say the advocates of this measure, none of your faint praise, none of your garbled laudation; look again at the title of the bill; it does not confine itself to the encouragement of agriculture, commerce, and manufactures, but also to "all other branches of industry." That is true; true so far as the title is concerned. Wonderful act! a kind of physical *vice versa* Pandora's box, that is to let loose upon this regenerated earth such a multitude of blessings! Do not be skeptical, Mr. President. Do not fall back upon the incredulous query of old—How can these things be? Do not talk about the exploded maxims of political economy. Do not ask how the encouragement of agriculture necessarily includes the encouragement of "all other branches of industry." These things can be done—so they are done—by this bill. I beg pardon—by the *title* of this bill; for there is nothing in the body of it that either declares or promotes any such universal benefit. And how, do you ask? Why by the simplest method in the world. And what is it? The title describes the process, viz: "by granting to every man who is the head of a family a homestead of one hundred and sixty acres of land out of the public domain." This is the short, the sure, the glorious way "to encourage agriculture, commerce, manufactures, and all other branches of industry." It is true, as I have said, the body of the act does not state, much less prove, how these benefits, great and gigantic as they are, will accrue; but then we know that the body of the act is never intended to express the intention of the lawgiver; it is the title, and the title alone, to which you are to refer to ascertain all the objects, and benefits, and "the ways and means" of accomplishing them. When Mathews, the celebrated wag, was here, he told a story of a Yankee, whom, on his first landing, he encountered, and who, with characteristic frankness, informed him that he was about compiling an American jest-book. Mathews met with him some two years afterwards, and asked him how he progressed with his great work, and he answered, "Gloriously; it is almost done. I have got the index and the title-page, and *only* want the *body* of the work." And Mathews tells this as a joke. A joke indeed! Look at the title of this act; magnificent in its views, overwhelming with its prophecies, and then tell me if the title be not the best, the greatest part of it: whether, when we once have given our high legislative sanction to it, we have not done all that our country can require of us; whether the title, glorious as it is—liberal in its promises, beautiful in its hopes—will not be better without the incumbrance of the body that is tacked to it, and whether we had not better strike out all that comes after its enacting clause, leaving that and its title to stand, *monumentum perenius ære*, of human wisdom and human genius?

But now, seriously, let us look this title in the face. Apart from its dogmatical assertion, where is the proof that by passing this act you will encourage agriculture alone, much less all other branches of industry? The idea is, that by making every man a farmer, you improve the condition of your whole country; and by improving the condition of the whole country, you necessarily will improve all branches of industry, as the welfare of the whole embraces the welfare of all its parts. Now, I deny both the premises and the conclusions. I deny that it will improve agriculture; and I deny that by improving agriculture, you must necessarily, or even naturally, improve all other branches of industry.

I suppose I must not say that agriculture is a science, although in a subordinate sense it is certainly so. No one can be a successful tiller of the ground without a thorough training, and an enlarged experience. He must know the climate, the seasons, the nature of the soil, the influence of the weather, the seed, the plow, and the sickle; and this knowledge cannot be obtained intuitively, nor got by becoming the owner of a "quarter section" gratuitously. In my part of the country there is a large class of men who earn an ample livelihood by becoming superintendents of large planting interests. They devote their whole lives to acquiring and increasing their knowledge on this subject. No one is rash enough to believe that by buying, or owning, or inheriting a tract of land, he acquires an appendant knowledge of the mode of cultivating it. But this act proceeds upon an assumption that the land and the science of agriculture go together; that as soon as you make your "entry" you are equipped "as the law directs," with all the necessary qualifications "to encourage agriculture;" and so you are, so far as the law directs, but not as common sense directs. By some mental, electrical, governmental power, the moment "the head of a family" "enters free of cost one quarter section of vacant and unappropriated public lands," the whole science of agriculture is flashed into his brain, and he becomes a fit and proper person "to encourage agriculture, commerce, manufactures, and all other branches of industry." What though such person be an aged widow, with maiden daughters; a rheumatic man, with neither children, friends, or money; a blacksmith, who has never seen a field of corn; a seaman, who could not tell cotton from tobacco, (I mean in the growth;) a politician, whose only knowledge of rye is derived from the whisky distilled from it;—it is all the same—the whole science, with its concomitant blessings and benefits, is conferred upon him instanter; and the only condition imposed is, that he must not hire or sell the land to any other person, who has acquired the science by the slow and regular way, but he must reside on it and cultivate it himself, for the "encouragement of agriculture." Truly, (to speak sarcastically,) this is a wonderful law; truly, (to speak seriously,) it is a ridiculous one. Test it by another way: As this law, by the benefits it is said to promote, encourages all species of industry, suppose we try the same experiment with one of these branches of industry; suppose we enact a law with a magnificent title, declaring it to be an act to encourage the successful and safe working of steam-engines, "agriculture, manufactures, and all other branches of industry," by granting to every head of a family a forty-horse steam-engine at the public expense, upon condition of personally working and managing the same for a certain period. We claim to be intelligent men here—doubtless most here are; how long do you think, Mr. President, your lengine would be in successful operation? How ong do you think that mine would encourage manufactures and all other branches of industry? How would you like to trust yourself on a voyage with any one of the learned Senators around you? You can answer that question at your leisure. For myself, I answer that the encouragement I should give to all branches of industry by my engine would be exceedingly brief. The story of the wise men of Gotham, who went to sea in a bowl, would be reënacted in its brevity and its catastrophe—the difference being, that whilst they went down, myself and crew would go up—a distinction without any very solid difference. And I think, so far as moral effect is concerned, a similar fate would await me in the management of my "quarter section;" my doom would be more protracted and more painful, but just as certain. For I believe myself, and the rest of mankind who are professional men, know about as much of the management of steam-engines as of quarter sections, and that we are about as fit in the one as in the other to encourage agriculture, commerce, manufactures, and all other branches of industry. I do not think, therefore, that you encourage agriculture by this bill; but if you do, you certainly do not encourage all other branches of industry. It is true, to a certain degree, that agriculture, when kept within its legitimate limits, has a tendency to improve the commerce of a nation; whether it improves its manufactures is a more disputed point. So far is it from being necessarily so, that we find the agricultural and the manufacturing interests constantly arrayed against each other in this country,—one asks for free trade and the other for a protective tariff.

But be that as it may, you certainly do not increase or encourage all other branches of industry, if you lure away from their successful pursuit the skillful and energetic men who have hitherto adopted them. Our country needs the practical and competent mechanic, as well as the agriculturist. What will we do, without the shoemaker, the carpenter, the tailor, the blacksmith, &c.? Will it improve all these branches of industry to take away from them those who follow them for a livelihood, and send them to cultivate land? Plenty of these will remain, you answer. But it is not the policy of this law that they should remain. All that you could do to get them away, you have done, not only by your free gift of land, but by the argument you have addressed to them in the title of this act, by the assurance you have given to them, that by turning their attention to this new field of labor, they will encourage all other branches of industry. I ask you, therefore, if the policy—if the bearing of the law is the true one? And the only way you can answer me is by the assurance that the law will not have the effect it professes to have; that though it invites all, it courts all to come without any exceptions—that although it holds out brilliant promises of wealth and usefulness to all who do come, yet that very few will come in point of fact, and only those who are skillful agriculturists. Well, why not give it, then, to skillful agriculturists? What kind of law is it that says one thing and means another?

Mr. President, I do not know whether you have noticed it, but as I have no doubt you are a keen observer of human nature, I think you must have noticed, as I have, when walking the principal avenue of our metropolis, a man with a magnificent head upon his shoulders and a very decrepit body. If you have extended your researches as far as I have, you have noticed the reverse of this; you have seen a man with a magnificently-framed body and with a very ricketty head. I do not know how it has struck you, but I have always been irresistibly inclined to take a sharp cimetar and clip both heads off, and put the good head on the good body, so as to make one perfect man of the two, and throw away the balance to be dealt with as the law directs. That, to be sure, would be murder, and I do not suppose that either you or I would be inclined to indulge in such an innocent amusement, considering the consequences which might result, although we might think we had benefited mankind by taking away two decrepit species of humanity, and in their places getting a perfect one. We cannot, however, indulge this propensity, because the law suspends a penalty over us; but without any bloodshed, I think we might do that in reference to the project before us—I mean the homestead bill.

The honorable Senator from Alabama [Mr. CLEMENS] has submitted informally an amendment, which is to come in at the end of the homestead bill, which is a proposition for a graduation law. What I want to do is not to cut off this

magnificent head from this bill, but to put the proposition of the Senator from Alabama, not at the end of it, but just immediately after the title. I would not disturb that title for the world. I do not think that in the next century there will be found any combination of talent that will put, in the six lines composing this title, such an amount of magnificent promises and such a speedy electrical result as follows immediately afterwards. I think it is unique, and ought not to be disturbed. That is the magnificent head. The body I look upon as exceedingly decrepit, and I think if the graduation system of my friend from Alabama could be adopted, it would come in admirably after this head. If the bill were legitimately before us, that would be the amendment which I would propose to make.

This graduation system was commented on and advocated by Mr. Calhoun and other wise legislators and eminent statesmen, and I do not think there can be any reasonable objection to it. I do not think any man can object if he can purchase by his own industry, at a merely nominal sum, the public land of the country. It is the duty and the policy of the Government to dispose of the public land as soon as practicable. If it cannot receive $1 25 per acre, after the lapse of so many years, it should fall in price so much per cent. and so on, until it gets down to twelve-and-a-half cents per acre. If I were a poor man I would rather own an acre of land by the payment of twelve-and-a-half cents, and would feel myself more independent and more of a man than I would by taking a quarter section of land from the public for nothing, clogged with the restriction that I could not sell, but that I must live upon it and cultivate it myself. I think the true policy of this Government is to dispose of the public land as soon as it can, at the prices which it can get for it, falling gradually as the lapse of time admonishes us that the lands are not wanted, or are not rich in their character.

I had intended to go into the constitutional argument on the subject, but I do not wish to delay the Senate any longer, particularly as the Senator from Mississippi has paid particular attention to that branch of it, and I will therefore not trespass further upon the Senate at this time.

THE FEE BILL.

SPEECH OF HON. J. W. BRADBURY,

OF MAINE,

IN THE SENATE, *February* 12, 1853,

On the bill to regulate the Fees and Costs in the Circuit and District Courts of the United States.

Mr. BRADBURY said: Mr. President, this bill is designed to accomplish an important object, and I hope it will not be defeated, or its efficiency destroyed by amendments. It seeks *reform* where reform is very much needed; and while I ask the friends of the measure not to allow its defeat by amendments, I will avoid bringing about the same result by too much speaking on my part. A few remarks may be necessary, and I will be as brief as possible. This bill comes to us from the House; and having been confided to my charge by the committee of the Senate to whom it was referred, I have felt it to be my duty to urge its consideration upon the Senate. Beyond this, I have no other solicitude than that which should be common to every Senator.

The bill is designed to regulate the fees and compensation of district attorneys, marshals, clerks, commissioners, jurors, and witnesses in the circuit and district courts of the United States, and to prescribe the costs which shall be taxed and recovered in these courts against the losing party in civil suits. The bill has, then, two objects in view; and a brief reference to the existing state of things, and the flagrant abuses that have grown up under the present system, will demonstrate the necessity of some measure of the kind.

There is now no uniform rule either for compensating the ministerial officers of the courts, or for the regulation of the costs in actions between private suitors. One system prevails in one district, and a totally different one in another; and in some cases it would be difficult to ascertain that any attention had been paid to any law whatever designed to regulate such proceedings. The act of February 28, 1799, which is the basis of the present system, contains but a partial and imperfect fee bill. For attorneys, it prescribes the fees in *admiralty* cases only, with a per diem for attending court, and a small annual salary; and for services not specially provided for, it allows the same compensation to attorneys and marshals as is allowed by the State statutes to attorneys and sheriffs for similar services rendered in the supreme court of the respective States. For clerks, in addition to the per diem of five dollars for attending court, it adopts the same rule, with one third added to the amount. It will hence be seen that the compensation of the officers, and the costs taxed in civil suits, is made to depend in a great degree on that allowed in the State courts. There are no two States where the allowance is the same.

When this system was adopted, it had the semblance of equality, which does not now exist. There were then but sixteen States, in all of which the laws prescribed certain taxable costs to attorneys for the prosecution and defense of suits. In several of the States which have since been added to the Union, no such cost is allowed; and in others the amount is inconsiderable. As the State fee bills are made so far the rule of compensation in the Federal courts, the Senate will perceive that totally different systems of taxation prevail in the different districts. In some, the district attorney receives no compensation beyond his small salary and per diem for a large portion of his most important services; while in others his fees are enormous, and the amount of cost which the losing party is made to pay to the attorney on the other side in civil suits, is so large as to be flagrantly oppressive. It is not only the officers of the courts, but the suitors also, that are affected by the present unequal, extravagant, and often oppressive system.

Take, for example, the case of the district attorneys. In some of the States, where no taxable costs are allowed to attorneys, a large amount of business has been thrown upon the district attorneys, in the settlement of land titles in which the United States were interested, and no compensation whatever can be allowed to these officers for their services in such cases. In other States, where a different system prevails in the State courts, adequate, and even extravagant fees are allowed for the same services. So, too, in criminal cases, great inequality prevails. In Georgia, for instance, the district attorney's fees for attending to a criminal prosecution are five dollars; in Pennsylvania they are six dollars; in New York, charges have been made to the amount of three, four, and five hundred dollars for precisely the same services. In Virginia a still different rule prevails, and twenty dollars are usually allowed for an indictment, and from fifty to one hundred dollars for attending to a criminal prosecution, under a discretionary authority given to the court to determine the compensation in the districts in that State.

The abuses that have grown up in the taxation of attorneys' fees which the losing party has been compelled to pay in civil suits, have been a matter of serious complaint. The papers before the committee show that in some cases those costs have been swelled to an amount exceedingly oppressive to suitors, and altogether disproportionate to the magnitude and importance of the causes in which they are taxed, or the labor bestowed. I have a bill before me where, upon a recovery of some $36 damages in a case of no complicated or expensive litigation, the attorney's fees are swelled with motions, orders, briefs, and attendances, &c., to more than $240, and the clerk's and commissioner's fees are nearly $100 more. This was all taxed against the losing party, who was thus compelled to pay for the services of the attorney employed against him. This was in the southern district of New York; and I notice it to illustrate the fault of the system, and not as matter of censure of the court for administering the law under such a system. Jurists of great eminence have made these abuses the subject of complaint, and they urge upon us the importance of providing a remedy. I have another bill of costs before me, allowed in an admiralty case in Florida, some years ago, in which there is taxed against the libellant, who failed to sustain his libel, more than $5,000; of this sum $2,500 is for the counsel fees of the prevailing party! Comment on such proceedings is unnecessary.

I have not the time to allude now to all the abuses that prevail in other respects. I hold in my hand an official report from the First Comptroller's Office, which shows that a clerk in Mississippi charged more than $3,000 for his per diem in attending court in three old bankrupt cases, from February, 1846, to November, 1849; an amount that is greater than the whole average annual expenditures for the United States judiciary in the great State of Georgia. In another district, a clerk charged his per diem for some ninety-two days more than the whole time the court could have been held.

It is to correct the evils and remedy the defects of the present system, that the bill has been prepared and passed by the House of Representatives. It attempts to simplify the taxation of fees, by prescribing a limited number of definite items to be allowed. It is not in all respects such a bill as I would have preferred, but it is believed to be an improvement upon the present system. I think it would be a still greater improvement to substitute for district attorneys fixed salaries, proportionate to their services in the different districts, in place of the fees now received. There would be no difficulty in ascertaining such an amount as would be a fair and adequate compensation in the respective districts, and the advantage to the Government of having officers to look after its interests, not dependent upon the multiplication of processes and suits to secure a fair compensation for their services, must be obvious to every one.

The amendments recommended by the Senate committee are, with one exception, designed to remedy defects in the bill where fees were omitted, or placed too low to be compensatory for the service rendered. Experience will undoubtedly prove the necessity of further amendments. It is believed, however, that the bill will remedy the enormous abuses to which I have referred, that have grown out of the indefinite and unequal system that now prevails. The increased and increasing expenses of the courts of the United States may be accounted for, in some degree, by the growth of these abuses, as well as by the natural increase of business before the courts. These abuses attach to the system, and not generally to the courts. I will refer the Senate on this subject, to a statement furnished by the First Comptroller of the Treasury, in a communication to the Secretary of the Interior, under date of November 21, 1851. Here it is:

Statement showing the aggregate amounts of expenses of courts of the United States paid out of the judiciary fund, with the salaries and compensation of the marshals and district attorneys added thereto, for specified periods from 1791 *to* 1851, *and the average amount paid annually; also, the increase per centum of population, and expenses of courts, from the year* 1800 *to* 1851.

PERIODS.	No. of years.	Aggregate amounts of expenses of courts of the United States paid out of the judiciary fund, with the salaries and compensation of the marshals and district attorneys added thereto.	Average amount paid annually.
From 1791 to 1793...	3	$34,875 86	$11,625 28
From 1794 to 1799...	6	153,497 97	25,582 99
Years 1800 and 1801.	2	84,428 79	42,214 39
From 1802 to 1805...	4	174,443 69	43,610 92
From 1806 to 1809...	4	299,908 89	74,977 22
From 1810 to 1813...	4	282,640 49	70,660 12
From 1814 to 1817...	4	321,030 69	80,257 67
From 1818 to 1821...	4	468,748 99	117,187 24
From 1822 to 1825...	4	513,700 90	128,425 22
From 1826 to 1829...	4	598,333 62	149,583 40
Years 1830 and 1831.	2	408,865 03	204,432 51
From 1832 to 1837...	6	1,559,161 49	259,860 24
Years 1838 and 1839.	2	642,703 43	321,351 71
Years 1840 and 1841.	2	747,390 26	373,695 13
From 1842 to 1847...	5½	2,555,437 77	464,823 23
Years 1848 and 1849.	2	938,446 05	469,223 02
Year 1850	1	513,498 20	} 564,854 04
Year 1851	1	616,279 89	

Increase per centum of population, and expenses of the courts since the year 1800.

Year.	Population.	Increase.	Expen. of courts.	Increase.
		Per cent.		*Per cent.*
1800	5,305,925		$42,214 00	
1820	9,638,131	81	117,187 24	177
1830	12,866,920	149	204,432 51	384
1840	17,063,566	221	373,695 13	785
1849	22,000,000	314	469,223 02	1,011
1850	23,000,000	333	564,854 04	1,237

I now refer to another table showing the expenditures in the different districts:

*Statement of the amounts (exclusive of fractions of a dollar) advanced and paid to marshals to pay the expenses of the circuit and district courts of the United States respectively, during the undermentioned years, being for six months of the year 1843, and for the fiscal years 1844 to 1851.**

DISTRICTS.	1840.	1841.	1842.	Hf. '43.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.
Maine	$10,023	$8,835	$4,961	$3,000	$11,223	$8,552	$13,500	$9,500	$11,002	$5,257	$7,944	$9,321
New Hampshire	3,000	8,701	5,065	1,500	3,000	2,500	2,899	2,000	2,000	1,600	2,822	3,335
Massachusetts	18,031	17,596	27,000	12,000	22,995	30,000	14,950	20,744	61,687	55,000	35,000	100,360
Connecticut	6,000	7,450	6,400	1,500	4,100	1,498	1,680	2,900	2,825	2,655	2,602	3,939
Rhode Island	7,979	6,331	6,566	2,506	4,000	4,700	9,380	11,000	4,000	9,800	10,357	6,000
Vermont	700	1,108	1,200	800	1,120	2,900	2,261	1,100	1,700	2,200	1,468	1,926
New York, northern dist.	4,109	10,000	8,500	2,500	6,000	17,298	31,595	36,372	38,408	36,492	43,682	43,920
New York, southern dist.	42,000	51,820	30,000	22,000	37,405	45,000	55,172	37,788	44,000	45,700	57,525	45,000
New Jersey	-	-	2,300	1,363	990	2,100	1,700	1,900	2,100	-	4,788	2,900
Pennsylvania, east. dist.	20,500	15,733	15,528	9,831	17,000	20,600	22,316	19,700	28,693	15,379	28,000	26,500
Pennsylvania, west. dist.	7,435	18,219	11,000	9,000	7,000	4,907	12,500	9,800	9,478	4,285	16,729	13,086
Delaware	1,000	1,700	650	1,400	1,465	1,675	2,235	900	806	2,625	733	1,101
Maryland	10,342	11,110	10,789	4,000	7,500	12,000	9,000	7,500	8,200	12,679	9,986	22,450
Virginia, eastern district	3,717	2,500	4,575	3,300	5,900	3,500	3,200	4,235	5,494	1,950	4,100	16,197
Virginia, western district	6,720	4,800	7,836	6,500	10,652	13,000	18,667	18,894	29,372	29,214	19,150	21,850
North Carolina	1,300	1,325	1,464	800	2,500	1,600	800	800	1,335	1,698	1,430	2,000
South Carolina	4,000	5,450	7,100	500	4,250	4,500	5,500	3,700	3,900	5,397	6,025	4,826
Georgia	5,500	3,700	1,500	1,392	4,728	864	4,500	1,134	3,500	3,000	1,685	3,840
Alabama, northern dist.	1,500	500	500	800	882	1,400	972	500	-	300	605	578
Alabama, southern dist.	5,900	3,500	8,500	4,431	4,000	6,300	4,500	8,000	5,000	6,500	4,075	9,206
Mississippi, northern dist.	2,000	1,922	7,100	-	3,814	3,000	-	3,155	-	721	1,798	1,419
Mississippi, southern dist.	-	3,500	7,998	7,716	-	3,000	16,416	1,700	3,669	3,300	2,250	3,967
Louisiana, eastern dist.	11,664	12,643	26,596	8,000	24,045	21,000	15,405	25,000	15,151	22,000	10,935	26,052
Louisiana, western dist.	-	-	2,700	-	2,917	-	-	-	-	-	9,000	-
Tennessee, eastern dist.	1,437	1,809	122	-	600	300	450	1,159	600	700	884	2,182
Tennessee, middle dist.	4,000	3,000	4,395	1,994	4,000	3,968	3,016	2,712	2,121	2,500	3,833	2,790
Tennessee, western dist.	-	300	2,000	-	1,600	1,400	1,074	1,000	850	1,000	1,261	1,125
Indiana	3,680	853	6,510	1,000	2,000	2,400	2,700	1,825	2,398	1,450	14,180	9,000
Illinois	9,500	12,970	15,000	3,000	11,975	4,612	11,000	6,045	11,352	3,700	19,594	18,412
Kentucky	2,000	4,498	7,500	4,100	4,000	6,000		2,000	3,000	-	4,900	4,425
Ohio	7,000	9,185	10,580	10,000	4,355	15,000	1,232	12,922	14,989	21,044	7,350	17,425
Missouri	3,585	8,394	5,104	2,000	9,969	10,700	7,142	5,091	6,100	4,900	8,423	12,336
Arkansas	9,177	9,264	10,090	2,500	10,282	14,213	6,470	15,514	10,300	8,000	7,716	22,173
Michigan	15,500	19,837	13,000	5,003	15,174	18,500	6,383	9,000	9,278	6,612	9,155	16,000
Florida, districts of	25,000	21,870	58,271	26,697	86,000	72,993	19,969	19,177	19,117	6,995	13,964	12,962
Texas	-	-	-	-	-	-	-	6,000	8,000	13,950	10,760	10,996
Wisconsin	4,939	15,519	12,867	7,000	9,000	15,000	31,953	25,000	24,948	2,260	7,991	6,276
Iowa	19,000	16,011	28,300	9,5 0	23,700	45,000	29,950	26,500	4,377	3,610	3,487	361
District of Columbia	45,009	46,530	55,000	40,000	50,000	45,500	50,000	55,000	39,403	66,000	73,000	55,526

* Though the expenses of the courts are nearly all paid by the marshals, there are some exceptions to the general rule. There have been some bills for counsel fees and other extra services, and some for the ordinary services of clerks and district attorneys, every year audited in the name of the claimants, and paid to them directly, in addition to the sums advanced and paid to the marshals, the principal and largest of which are the following, allowed by my predecessor, and paid during the fiscal year ending June 30, 1849, to wit:

To Thomas J. Durant, district attorney of Louisiana, for professional services rendered by him, from July 1, 1846, to June 30, 1848.....$13,605 20
To S. W. Downs, for professional services in the same district..... 1,632 04
To Bailie Peyton, for services in the same district, from 1841 to 1845..... 12,834 56
The amount of all such payments appears annually in the published accounts of the expenditures of the Government, to which reference can be made.

To illustrate the mode in which costs are taxed in some of the districts, and to account in some degree perhaps for this increase of expenditures for the judiciary, I will refer to one or two cases which I find in the letter of the First Comptroller of the 26th of November, 1851, to the Secretary of the Interior:

Statement of the bills and items of costs charged by Prescott Hall, district attorney of the United States, and taxed by Judge Betts, in the district court of the United States for the southern district of New York, in the causes and at the terms herein stated, to wit:

THE UNITED STATES vs. LEONARD DYER. } On a charge of perjury in the year 1849, at the following terms:

Date. 1849.	*Bills and items.*	*June.*	*July.*	*August.*
June 27,	Retaining fee, $8; warrant of attorney, 37½ cents	$8 37½	$8 37½	$8 37½
	Drawing affidavits to found warrant, 6 folios, engrossing and copy	3 00	-	-
	Motion for warrant, $3; drawing and engrossing do. $1 50	4 50	-	-
	Motion for temporary commitment	4 00	-	-
July 5,	Motion for commitment of J. Pelby, a witness	-	3 00	-
	Drawing and engrossing commitment	-	1 50	-
	The same as to J. B Ackeman, a witness	-	4 50	-
	Drawing subpena for examination, $1; drawing and engrossing ticket, $1 12½; and two copies, 50 cents	-	2 62½	-
	Order to marshal to bring up prisoner	-	25	-
July 13,	Motion for examination	-	3 00	-
	Motion to adjourn same	-	3 00	-
July 20,	Drawing subpena for examination, $1; drawing and engrossing ticket, $1 12½; and two copies, 50 cents	-	2 62½	-
	Order to marshal to bring up prisoner	-	25	-
July 23,	Attending examination and motion to adjourn same	-	3 00	-
July 25,	Attending examination and motion to adjourn same	-	3 00	-
July 30,	Drawing additional subpena ticket, and two copies, (August)	-	2 62½	2 12½
	Order to marshal to bring up prisoner	-	25	-
	Attending examination, motion to adjourn to 31st, (August 1)	-	3 00	3 00
	Attending examination, motion to adjourn to 31st, (August 2)	-	3 00	3 00
	Drawing indictment, 240 folios, $61 25; engrossing and copying, $61 25	-	-	122 50
	Counsel perusing and amending	-	-	2 00
	Fair copy for grand jury, (bill dismissed)	-	-	30 62½
	4 affidavits of attendance of witnesses	-	-	2 50
	4, costs indorsed	-	-	1 00
	Drawing costs, copying and attending transaction	1 75	1 75	1 75
	One term fee	62½	62½	62½
	Total	21 25	46 37½	178 50

Amount charged, taxed by the judge, 1849, and certified by the clerk as legal and proper, for June term..... $21 25
Do. do. per July term..... 46 37½
Do. do. per August term..... 178 50
Total attorneys' fees charged and taxed..... 246 12½

UNITED STATES vs. ANTHONY FAULAC. } Indicted for perjury, prior to April term, 1849.

Mr. Hall charges as follows:

Date.	*Items.*	*June.*	*May.*	*April.*
1849—	Retaining fee, $8 00; warrant of attorney, 37½	$8 37½	$8 37½	$8 37½
	Motion for trial, $3 00; attorney and counsel and motion to postpone, $3 00	6 00	6 00	6 00
	Brief, attorney and counsel fee, prepared	9 00	9 00	9 00
	Drawing costs, copying, and attorney's taxes	1 75	1 75	1 75
	One term fee	62½	62½	62½
	Attorney and colleague, on motion to extend recognizance, (forfeited)	3 00	3 00	-
	Other items	6 50	25	-
	Total	35 25	29 00	25 75

For May and June terms, as above..... 61 25
July term, ret'g $8 37½; for 3 items above, $9 00—total..... 29 25
September term, 1st, 2d, and 3d items, same as April term—total..... 35 00
October term, 1st, 2d, and 3d items, same as April term—total..... 32 00
November term, 1st, 2d, and 3d items, same as April term—total..... 26 00
December term, 1st, 2d, and 3d items, same as April term—total..... 36 25
1850—January term, 1st, 2d, and 3d items, same as April term—total..... 35 00
Mr. Hall's charges at nine terms of court..$280 50

The charges of Lorenzo B. Shepherd, the predecessor of Mr. Hall in the same cause, are as follows:

Date.	*Items.*	*April.*
1849—	February term, Shepherd's charges, (which include 1st and 3d items, $3 00 for motion to postpone trial; $50 00 for drawing indictment of 200 folios; $50 00 for engrossing and copying; and $25 00 for copies for the grand jury)	$178 25
	March term, 1st, 2d, and 3d items, same as April term above	29 87½
	April term, 1st, 2d, and 3d items, same as allowed by Mr. Hall, charged	29 00
	Total charge taxed and paid to Shepherd for three terms	237 12½

Total attorneys' fees taxed and paid for eleven terms of court..... 517 62½

Mr. Shepherd and Mr. Hall both charged for the April term, 1849—the former $29, and the latter $25 75.

In taxing these bills, the act of Congress of 1842, which confines the taxation in criminal cases to that of the criminal fee bill of the State, is wholly disregarded. The latter allows no retaining fees, and no term fees for attending to try a cause unless it is actually tried, and yet not less than eight or nine retaining fees are charged in a single cause. To show the different practice under the same law in the State courts, one of the accounts of a district attorney for one of the counties of the State of New York, is furnished by the Comptroller. This account includes all the ordinary services of a term, including the drawing three indictments, five trials, and preparation for the trial of thirteen causes; and yet the aggregate amount for the term is $62 06.

I refer to another table furnished from the same source, to exhibit the mode of charging adopted in some cases by the clerks:

Clerk's fees for attending district court for the southern district of Mississippi in bankruptcy:

Accounts of William Burns, clerk, for his per diem from May 19, 1845, to November 18, 1848, for 890 days' sitting in bankruptcy, at $5 per day.....$4,450 00
Four days on other business..... 20 00
$4,470 00
The whole number of days within that period was 1,280
Number of Sabbaths..... 182
Number of days charged for attendance..... 894
Number of days other than Sabbaths not charged.. 204
1,280

On the 7th February, 1846, the clerk reported to the Secretary of State of the United States that the number of applicants for relief under the bankrupt act was, cases.... 872
Number discharged..... 861
Proceedings withdrawn in cases..... 6
Abated by death of party..... 2
Number of cases then pending..... 3
872

Mr. Burns charged from February 7, 1846, (the date of that report,) to November 18, 1848, for his attendance on the court in bankruptcy to dispose of those three cases, 662 days, at $5 per day.....$3,310 00

S. J. Gholson, judge of that district, certified to the account, and "that the attendance upon said court sitting in 'bankruptcy of William Burns, clerk thereof, as specified 'in the foregoing abstract, was expressly required by me, 'and said clerk did actually so attend for the performance 'of the duties of his office."

"Given under my hand and seal," &c.

I now refer to an account for services rendered by the marshal of the district of Massachusetts, in order that I may correct an erroneous impression that prevails in some quarters in regard to it. The Comptroller gives the account in the communication to which I have already referred under the following caption:

Abstract of costs taxed and certified by the district judge and clerk in the district of Massachusetts.

UNITED STATES vs. JAMES W. WILSON. } 1. Indictment for combining and conspiring with other persons to procure the ship Franklin to be cast away and destroyed.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—April.—1.	Warrant to arrest Wilson—service $2; copy, $1; commitment, 50 cts.; travel, 5 cents	$3 55
2.	Habeas corpus for Wilson—service, $2; copy $1; discharge, 50 cents; travel, 5 cents	3 55
3.	Warrant to commit Wilson—service, $2; copy, $1; commitment, 50 cents; travel, 5 cents	3 55
4.	Warrant to commit 6 witnesses—service, $12; copy, $1; 6 commitments, $3; travel, 5 cents	16 05
5.	Habeas corpus for 6 witnesses—service, $12; copy, $1; 6 discharges, $3; travel, 5 cents	16 05
	During the months of April and May said charges were repeated in the said cause as follows:	
	Charge No. 2, 27 times, amounting to	95 85
	No. 3, 27 do. do.	95 85
	No. 4, 27 do. do.	433 35
	No. 5, 26 do. do.	417 30
	Total Marshal's fees charged in that suit	$1,085 10

UNITED STATES vs. JAMES W. WILSON. } 2. Indictment for the same offense, charging him with conspiring with Charles Smith to destroy the same vessel.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—	The same number of charges, in precisely the same words, and during the same time, April and May, and for the same amount each, are made in this case as in indictment No. 1, the marshal's fees amounting to	$1,085 10

UNITED STATES vs. JAMES W. WILSON. } 3. Indictment for the same offense, charging him with conspiring with John W. Crafts to destroy the same ship.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—	The charges of marshal's fees in the third cause or indictment is for serving no less than 28 warrants to commit six witnesses to jail, each time, during the same months, April and May, charged at $16 05 each, as charge No. 3	$449 40
	For serving 27 writs of habeas corpus, each on six witnesses, charged at $16 05 on each writ	433 35
	Total in third suit	$883 75

UNITED STATES vs. JOHN W. CRAFTS. } 4. Indictment for combining and conspiring with persons unknown, to destroy the ship Franklin.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—	Marshal's fees charged in April and May for serving 29 warrants to commit 6 witnesses to jail, each time, on each writ, $16 05, amounting to	$465 45
	For serving 28 writs of habeas corpus, each on six witnesses, charged at $16 05, on each writ	449 40
	Total on 4th suit	$914 85

UNITED STATES vs. JOHN W. CRAFTS. } 5. Indicted for combining and conspiring with C. Smith to destroy said ship.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—	April and May. The charges in this case are precisely the same as in No. 4, for serving 29 warrants to commit and 28 writs of habeas corpus, each on six witnesses, charged on each writ $16 05, amounting to	$914 85

UNITED STATES vs. JOHN W. CRAFTS. } 6. Indicted for combining and conspiring with James W. Wilson to destroy the same ship.

Date.	*Charges of the Marshal.*	*Amount.*
1849.—	April and May, service one warrant to commit, and one habeas corpus for three witnesses, charged at $8 55 on each writ	$17 10
	April and May, service one warrant and one habeas corpus, each for seven witnesses, at $18 55 each	37 10
	Serving 29 warrants to commit, and 28 writs of habeas corpus for six witnesses at each time—charge at $16 05 on each writ, &c	914 85
		969 05
	Serving 29 warrants to commit Wilson, and 28 writs of habeas corpus, for each $3 55	209 45
	Charged for serving subpenas on witnesses.	86 40
	Total marshal's charges in this cause.	1,264 90
	Do. do. No. 1, bro't forward.	1,085 10
	Do. do. No. 2	1,085 10
	Do. do. No. 3	889 75
	Do. do. No. 4	914 85
	Do. do. No. 5	914 85
	Total marshal's charges in the six causes	$6,147 55

Judge Sprague, the judge of the district court for the district of Massachusetts, upon being informed of this communication of the Comptroller, immediately denied having certified and allowed the account as there presented. He alleges that he certified and allowed but one of the accounts, under one of the indictments; and that when he certified it, it was not connected with the other accounts, which were upon separate sheets. It appears that they were subsequently put together and paged, with the certified sheet placed last in order, and thus presented to the Comptroller, who was thereby erroneously but naturally led to suppose, that all had been certified and allowed by the court. It is difficult to perceive, in a proceeding of this kind, where there would seem to be substantially but one offense charged, and but one trial in progress, any apparent object for bringing up each witness on six different writs of *habeas corpus*, and committing him on six different warrants, daily, week after week, except that of increasing the emoluments of the officers of the court. I shall here dismiss this subject with the remarks of the Comptroller on this point:

"The names of the witnesses are not given, but *the facts and all the accounts indicate that there was but one set of witnesses in all the six causes, and but one examination*, which was continued from day to day through a part of the month of April, and part of the month of May; *that six of the eight witnesses committed to prison were all brought out of prison daily on six writs of habeas corpus—one in each cause—committed at night on six warrants—one in each cause;* that this proceeding was *repeated on twenty-eight different days;* and although only one of the ninety-two witnesses sworn could be examined at a time, *yet all the six witnesses must be brought up daily on six different writs of habeas corpus*, to be present on the examination of each of the ninety-two witnesses. The charges of the district attorney were but $13 25 in each of these causes, amounting in the six causes to only $79 50."

SUGAR INTERESTS OF LOUISIANA.

REMARKS OF HON. JOHN MOORE,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1853.

The House being in the Committee of the Whole on the state of the Union—

Mr. MOORE said:

Mr. CHAIRMAN: I do not wish to consume the time of the committee at this late stage of the session, yet not having had an opportunity previously, I feel impelled by a sense of duty towards a large portion of the people of Louisiana, a State that I have the honor in part to represent, to ask permission to reply to some very erroneous opinions expressed by my friend from Virginia, [Mr. MEADE,] in debate in the early part of the session in relation to the sugar planters of Louisiana, by holding them up as "millionaire capitalists, whose interest is opposed to the interest of the laboring classes."

I was surprised that he, being a southern man, one of the favored classes, and having near relations and friends engaged in that culture, should have singled out a southern agricultural interest as a theme for an obnoxious method of attempting to array the poor against the rich—a method, in my opinion, not warranted in a country and Government like ours, where the poor have as much political power as the rich, and where the relative positions of men in this respect are daily changing.

I beg leave to express my dissent both from the premises and conclusions of that gentleman.

1st. There are no millionaires and few capitalists among sugar planters; the latter generally understand their own interest too well to embark in so uncertain and precarious a business.

2d. The interest of the sugar planter is not opposed to the interest of the laboring classes; on the contrary, as I shall, I think, be able to demonstrate.

When I speak of capitalists, I mean men who wield cash capital. I do not pretend to say that there is no capital invested in sugar plantations. The aggregate capital is very large, consisting, first, of the plantations previously employed in the cultivation of rice and cotton changed to the culture of sugar-cane for reasons hereinafter stated; second, of the steam-engines, sugar-mills, kettles, &c., &c., necessary to manufacture the cane into sugar, chiefly obtained from Ohio, Kentucky, Tennessee, Virginia, and New York, which, at a fair estimate, must have cost at least $16,500,000, nearly all originally borrowed, and a considerable portion of which yet remains unpaid.

My friend [Mr. MEADE] said that "*in his opinion, for every dollar pocketed by the capitalist about one cent goes into that of the laborer.*" Now, I beg leave to assure the gentleman and the House, that whatever may be the case in other branches of business, it will not apply to sugar planters in Louisiana; almost the very reverse is the fact, as I will show by a simple statement of facts.

I am guardian to a minor who owns part of a sugar plantation in partnership with others. One of the owners, who manages the concerns of the partnership, is a capable, attentive, and discreet person. The accounts are settled annually, and dividends of the profits, if any, made on making the settlement. For the crop of 1851, it was found that nearly the whole net proceeds of the crop had been expended in procuring the necessary supplies for the plantation, leaving but about five cents in the dollar to the proprietors for their own attention, industry, and interest on the capital invested. The balance went to labor, about in the following proportion, viz: Twenty per cent. to the manager, sugar-boiler, engineer, carpenters, bricklayers, coopers, and other laborers; five per cent. to physicians and others; twenty per cent. for pork, flour, and other provisions, principally from the State of Ohio. The balance was paid for clothing, hats, shoes, axes, hoes, plows, &c., principally from the eastern States; sugar-kettles, gratebars, &c., as repairs, from Tennessee; hoop-poles from Kentucky; horses and mules from Missouri; wagons and carts from Wheeling, Virginia, &c.; together with the cost of transporting those supplies to the plantation. This, too, was exclusive of the freight, insurance, and charges on the sugar and molasses to market, deducted from the sales by the factors before rendering the accounts on which our settlement was made. The freight alone amounted to about $2,300, paid principally to vessels owned in the New England States.

It will be perceived by this statement that about twenty-five per cent. went to labor in Louisiana, and about seventy per cent. to labor in other States, over and above the freight and charges of the crop to market.

It is true, that the season of 1851-'52 was rather unprofitable; for, although the production was an average crop, the quality was inferior, and the prices low. Better results are anticipated from the crop of 1852.

I can assure all who take an interest in the matter, that in order to succeed well in sugar planting, a knowledge of the business, together with close attention and strict economy, are required. I would not advise persons entertaining the opinion expressed by the gentleman from Virginia, [Mr. MEADE,] to engage in sugar planting; they would most assuredly deceive themselves, and fail, as I have known many to do.

I have shown, from facts, that the interest of the sugar planters is not opposed to labor, but is in reality an auxiliary to, and rewards labor. It increases the internal carrying-trade to a great extent. Two hundred and thirty thousand hogsheads of sugar, with the molasses therefrom,

(being about the average crop of Louisiana,) gives a carrying-trade about equal to 1,000,000 bales of cotton, although the net proceeds will not exceed the net proceeds of 230,000 bales of cotton.

There is another view of the subject that may be fairly taken; it is this: there are now from sixty thousand to seventy thousand hands employed in the cultivation of sugar in Louisiana. Destroy that cultivation, and those hands will be employed, most probably, in the cultivation of cotton; if not on the same lands, they will be removed to better cotton lands—say to Texas, the fairest portion of these United States for planting. That number of hands will produce 400,000 bales of cotton, on an average, on good cotton lands. There is already a sufficient quantity, if not too much cotton produced, and it is a well-known axiom in trade, that an over supply reduces prices more than the proportion of the excess.

Our wisest men have over again and often recommended that a portion of the labor now employed in the cultivation of cotton be diverted to some other branch of industry, in order to prevent an over supply. Then, if this view be correct, the cotton planters, not only in Louisiana, but in the whole cotton-growing region of the United States, have a direct interest in maintaining the cultivation of sugar—not by any unreasonable protection, (it is not asked,) but by extending to that branch of industry the same incidental encouragement that may be extended to others, in any adjustment of the tariff that may be required to fix the revenues to the standard necessary to carry on the Government under an economical administration, being the point promised to and expected by the people.

The culture of sugar in the United States did not take its rise under any tariff intended to protect that interest. I find that, in 1789, the first Congress under the present Constitution imposed specific duties on sugar, molasses, tea, and coffee.

In 1800, the duties on sugar were fixed at two and a half cents per pound on brown, three cents on clayed, five cents on loaf, five cents per gallon on molasses, and four cents per pound on coffee. This was some years before the acquisition of Louisiana.

During the war with Great Britain, the duties on all articles were doubled, to defray the expenses of the war. After the expiration of the war, in 1816, the duty on brown sugar was fixed at three cents per pound.

Very little sugar cane was grown in Louisiana previous to the war of 1812. It began to be cultivated as a crop during that war, because of the difficulty of its importation and high price, and because there was no demand for cotton, then the principal production of Louisiana.

In 1816, the amount of sugar produced in Louisiana did not exceed 16,000 hogsheads. The cultivation then declined until about the year 1820, when a disease in the cotton plant called the rot, induced many planters to turn their attention to sugar.

In 1828, the crop of sugar in Louisiana had increased to 88,000 hogsheads. It again fell off to 30,000 hogsheads in 1835. That short crop increased the price to double previous rates, which gave a stimulus to its further and more successful cultivation.

In 1849, the crop in Louisiana amounted to 247,000 hogsheads. It again fell off to 211,000 hogsheads in 1850.

I have made some investigations in relation to the imports of foreign sugar, and the foreign prices as compared with the home, and the probable quantity consumed in the United States, that are both curious and instructive, and which, in my opinion, prove conclusively, that the incidental encouragement given to that branch of industry by the duties on imports, intended entirely as revenue measures, have tended to reduce the price to the consumers very considerably.

In 1815, Louisiana sugar sold on the levee in New Orleans, at fifteen cents per pound. The quantity then produced did not exceed 15,000 hogsheads. In 1831 the sugar crop in Louisiana was estimated at about 70,000 hogsheads. Prices in New Orleans ranged at from four to five cents per pound. In 1835, the crop fell off to 30,000 hogsheads. In the early part of 1836, prices went up to ten and twelve cents per pound.

The imports of brown sugars in 1847–'48 were 248,000,000 pounds. The average foreign value was three and sixty-one hundredths cents per pound. The crop of Louisiana that year was 240,000 hogsheads. The average prices of homemade sugar in New Orleans, during the season, were from two and three quarters to four cents per pound, and sold as low as two and a quarter in April, one and three quarters in May, and one and a half cents per pound in June.

In 1849–'50 the imports of brown sugars were 198,000,000 pounds. The average foreign value was three and forty-two one hundredths cents per pound. The crop of Louisiana was 247,000 hogsheads. The average prices of homemade sugar in New Orleans, during the twelve months, were three and one twelfth to four and one third cents per pound; and during five months, from January to May, inclusive, it sold as low as two and a half cents per pound.

In 1850–'51 the imports of brown sugars were 363,537,861 pounds; the average foreign value three and fifty-four one hundredths cents; the crop of Louisiana was 211,000 hogsheads, a considerable portion of which sold on the levee in New Orleans as low as one and a half, one and three quarters, and two cents per pound.

According to a document published by Congress in 1830, the consumption of sugar in the United States in the year 1829, was estimated at 136,000,000 pounds; and it was estimated that in twenty-five years it would be increased to 300,000,000 pounds, and that probably by that time Louisiana would produce nearly that quantity. The result, however, has been widely different. From the best authority, the quantity consumed in the United States in the year ending 30th of June, 1851, is estimated to have exceeded 640,000,000 pounds, and the amount produced in Louisiana was about 230,000,000 pounds.

These facts and figures, taken from the best authorities, the reports of commerce and navigation, De Bow's Review, Champonier's Reports, the prices-current of New Orleans, &c., sustain the position that I have taken, that the cultivation of sugar to its present extent in the United States has reduced the prices to the consumers to a very considerable extent; they show, too, that if the freight and charges on the foreign brown sugar be added to the cost, that the Louisiana sugar uniformly sells in New Orleans at a lower rate, except when there is a considerable falling off in the Louisiana crop; and yet the best Louisiana brown sugar is a cleaner and more desirable article for family use than the foreign brown sugars. It will no doubt be asked why it is? The only reasons obvious to me are, that the production falls short of the necessary quantity for the consumption of the country, and that a large quantity must be imported, and that the West India sugar, being made from a more matured plant, is dryer, less liable to lose in weight, and therefore better as an article of commerce for speculation, as it can be kept on hand a longer time to wait a favorable market.

In the course of the discussion, several gentlemen favorable to free trade advocated direct taxation for the support of the General Government as the true policy. That will do to talk about—to demagogue a little. I am old enough to know something about direct taxation for that purpose. I lived during the embargo and war of 1812, when resort was had to that means, and am therefore privileged to give an opinion. Put it in practice, and you will throw the whole burden on the industrial classes, principally the agricultural. The politicians, office-holders, moneyed men, and popinjays about towns and cities, that wear foreign finery and consume foreign luxuries, will contribute nothing. The industrial classes now pay town, city, county, and State direct taxes. Add direct taxes for the support of the Federal Government, send your Federal tax-collector down among the people, and let him begin to seize the cattle, horses, agricultural implements, &c., for the payment of taxes. I would not like to be in the place of that officer, nor of the party that imposed the tax. That party, sir, would be hurled from power like a trap-ball; it would vanish, as the old Federal party did more than half a century ago, when it imposed the excise law, the stamp act, the alien and sedition law, and others of like nature.

RECIPROCAL TRADE.

REMARKS OF MR. TOWNSHEND,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1853,

On the "Bill establishing Reciprocal Trade with the British North American Provinces on certain conditions."

Mr. TOWNSHEND said:

Mr. SPEAKER: At this late day of the session I would not tax the patience of the House by any further discussion of this question, were it not that no gentleman representing any part of the valley of the St. Lawrence—the region especially interested in some of the most important provisions of this bill—has yet been heard upon the subject.

AGRICULTURAL INTEREST.

And in the first place I beg to offer a remark or two for the purpose of quieting the fears of some gentlemen here—opponents of the measure—who seem to imagine that reciprocal free trade with Canada is likely to be prejudicial to the agricultural interest of the country, and especially to that of the Northwest. Perhaps I may venture to speak for this interest. I am myself a farmer, and I represent, in part, one of the best agricultural regions of the whole country.

The Canadas annually produce some fifteen millions of bushels of wheat, not more than one third of which can be spared for exportation. This surplus, it is supposed, may come into competition with the wheat grown in Ohio, Indiana, Illinois, and Michigan. But when it is recollected that the price of wheat in those States, and also in Canada, is governed by the European, and particularly the English market, to which our surplus, together with that of Canada, is sent, it is easily seen that it cannot be possible for Canadian producers to undersell us in our own market. But all these fears are utterly groundless in view of the fact that the production of wheat in the British American Provinces is necessarily limited by the rigors of the climate, a part of Canada only being adapted for wheat culture, while the amount that may be produced in our northwestern States is almost illimitable. Why, sir, one of the counties of the Congressional district in which I reside, the county of Wayne, had, last year, seventy thousand acres of wheat, the crop of which averaged thirty bushels an acre, or in the aggregate, amounting to over two millions of bushels. In Ohio there are eighty-five counties, each one of which could readily produce one million of bushels a year, without interfering in any inconvenient degree with other agricultural products. Under these circumstances, does any one fear the competition of the Canadas? The idea is absurd.

All that the agricultural interest of the Northwest demands is, the removal of the obstacles thrown in the way of trade by a high and unequal tariff, and to secure the free navigation of the river St. Lawrence. Only permit us to sell where we can sell dearest, and to buy where we can buy cheapest—permit us to avail ourselves of any market we can find for our wheat and pork, beef, cheese, and other articles—permit us to buy lumber, fish, and whatever else we need without restrictions, and we ask no favors of this Government or of the rest of mankind. We have no conscious weakness to excite our fears of competition; we are not contending against the economy and laws of nature, and therefore we ask for no artificial protection. This point settled, I come now to consider briefly the bearings of reciprocity on the coal trade.

COAL INTEREST.

It is to be regretted that the bill reported by the committee does not provide for the free exportation and importation of coal. I sincerely hope it will be amended in this particular. My anxiety for this amendment does not arise simply from the fact that the shipping interest of the lakes desires the profits of the trade, nor merely from my conviction that it will directly promote the general interests of the country; but also from the fact which is, or which ought to be, perfectly understood, that without this provision for free trade in coal, our proposed reciprocity will not be

accepted by the Provincial Parliament. To obtain a market for this coal is the principal object with Nova Scotia and New Brunswick, and the only consideration that will induce them to concede to us the benefits of their coast fisheries.

At present, Pennsylvania almost monopolizes the coal trade of the country. That State sells some five millions of tons annually, at a cost to consumers of $20,000,000. It is not, therefore, surprising that the coal interest there should resist the free importation of coals from Nova Scotia, where they are found in great abundance and of excellent quality. It may, however, be seriously doubted whether the coal interest of Pennsylvania has anything to fear from free trade in this article, though if it has it is just as certain that other important interests of that great State would be proportionately promoted.

The coal imported from Nova Scotia and New Brunswick is highly bituminous, some of it containing as much as sixty per cent. of volatile matter. Such coal as this can never come into competition with the anthracite of Pennsylvania. The latter will always be preferred for domestic and some other purposes; and in confirmation of this, I may refer to the fact, that the British Cunard steamers, which stop at Halifax, do not and cannot use the Nova Scotia coal, but obtain the coal they use from Pennsylvania, though at a much higher price. It is also equally notorious, that all the anthracite in Pennsylvania would not make gas enough to supply the city of Philadelphia for a single evening; nor from the Cumberland coal can gas be made without the admixturé of some more bituminous variety. Free trade in coal will therefore result in the exportation of Pennsylvania coals to be used for purposes to which they are best adapted, and in the importation of coals from the Provinces to be used for the special purposes to which they are suited. It is also true that an increased consumption of anthracite will, to some extent, take place, for it is known that some factories in the East are now lying idle, because they cannot, without paying a high duty, obtain a certain amount of Pictou coal, which they find it beneficial to use in connection with that from Pennsylvania. Such is the difference in the qualities of these coals, and so different the purposes for which each is especially adapted, that Pennsylvania and Nova Scotia can scarcely come into direct competition. But the Liverpool coal, which more closely resembles that from Nova Scotia, will suffer more by this competition, and must ultimately be driven from our market.

The importance of the western coal trade can scarcely have been taken into consideration by those representing the coal interest here. This is already of great consequence, but it is speedily destined to be immensely increased. Our lake trade now employs about seventy-four thousand tons of steam-vessels mostly using coal, and the whole of the Canadas are entirely destitute of the article, so that Toronto and other growing cities will be compelled to obtain their supplies from the western part of Pennsylvania and from Ohio. The demand in this direction will be an equivalent for any competition or diminution of demand in the eastern cities.

Pennsylvania is also largely engaged in the manufacture of iron; this is, in fact, her especial manufacturing interest. The iron manufacturers are now compelled to compete with those of England at a great disadvantage, not only on account of the difference in the price of labor, but also on account of the difference in the price of coal. In England, iron can be afforded cheap, mainly because in many localities the iron and coal and a clay suitable for fire bricks, and of which furnaces can be built, are found in alternate layers; it therefore costs nothing to bring the iron and coal together. Should, therefore, the introduction of coal from the British Provinces have the effect to reduce the price of coals, as some suppose, it will in the same ratio increase the profits of the iron-masters. The manufacturers of the East are also equally interested with the iron men in obtaining cheap fuel.

But there is another consideration which, of itself, ought to be conclusive in favor of free trade in this article. Fuel is about as much a necessary of life as food; and for those that live in the great Atlantic cities, coal is fast becoming the only fuel. Now, the question is, shall we, by legislation preventing competition, compel the millions who want coal and must have it to pay an extra and exorbitant price in order that a few brokers, owning coal stocks, may realize enormous profits? At this age of the world, will a monopoly which bears with such crushing weight on the working classes, longer be tolerated? I think not. And I believe I may safely leave this matter and proceed to speak of the lumber interest.

LUMBER TRADE.

The British Provinces have almost inexhaustible supplies of pine lumber. This is greatly needed for building purposes in most of the western cities, and through the prairie country of the West immense quantities would be used could it be freely imported. It is needed, also, in the eastern States by those of our manufacturers whose wares are made wholly or in part of this material; and in all the eastern cities it is as absolutely needed as in the West for building purposes; in fact, it is there a necessary of life; house and home, which cannot be built without lumber, are just as necessary as food and fire.

Maine and North Carolina have pine lumber for exportation. The lumber from these States, and particularly that from North Carolina, finds a market in our Atlantic cities, and also in the British West India islands, where it is received without any discrimination being made in favor of Canadian lumber. This West India market is so valuable that North Carolina makes little or no objection to the free admission of Canadian lumber into those sections of the Union that could not, from their geographical position and the want of water communication, be supplied from that State, the West India market being an equivalent for, and better than that of the western States. But Maine, from which a large share of the best timber is already cut, wants to exclude the lumber of the Canadas, and to force her spruce and inferior pine on the market at high prices. It is asserted, that unless competition from the Provinces is prevented, and the absolute monopoly of the trade be secured to Maine, her hardy lumbermen cannot make fair wages, because, as they express it, "stumpage is so high." This stumpage is the price paid by the lumbermen to the landed proprietors for the privilege of cutting the timber, and varies, as I am told, according to quality and location, from two dollars up to eight dollars a thousand feet. It is the monopoly of the trade excluding foreign lumber that enables the Maine landholders to charge so much for stumpage. Increase the duty on imported lumber, and stumpage will rise still higher; reduce the duties, and then stumpage will be lower. Prices regulate stumpage, and the lumbermen will not be affected, whether stumpage be high or low. The hardy lumbermen, over whom tears are almost shed, are not benefited in the least, but rather injured by those high duties, and all this humbug of protection is not designed for their benefit, but for the benefit of the wealthy few.

The Provinces are ready to concede to the United States the free navigation of the St. John; but with this bonus Maine is not satisfied. She demands, in addition, not only the West India market, which is already granted, but also that all the ports of the British islands shall be open to her lumber. Of course, we do not object to the opening of the ports of Great Britain. We do not in the least object to Maine getting a good bargain. On the contrary, we would be glad to see it; but we protest against loading down this bill with provisions which are probably designed, and certainly calculated, to defeat the whole measure by making it impossible for the Provinces to agree. Shall the St. Lawrence remain closed to our commerce, and the interests of the whole North be sacrificed? Shall the whole country be taxed, and its progress arrested for the sake of this monopoly, when the whole value of the entire lumber trade of Maine bears such an insignificant proportion to the interests to be promoted by a liberal reciprocity? Assuredly not. And now a word or two in reference to manufactures.

MANUFACTURING INTEREST.

I am happy to see that but little opposition to this measure comes from the representatives of the manufacturing interest. The manufactures of Canada are not in a condition to compete with ours, and of course ours do not need to be protected against them. On the other hand, many of our wares will find in Canada an excellent market, and eastern manufacturers are, some of them, already becoming convinced that the Canadian market is worth more to them than any protective duty they will be likely to obtain. Our manufacturers will also be benefited by the free introduction of various kinds of raw material. To cheapen these is to increase the manufacturer's profits, or what is the same thing, it enables him to enter into competition more successfully with the foreign article. And further, by establishing an extensive free list of Canadian unmanufactured articles, the more tariff must be raised from those articles which come more into competition with our own. The manufacturing interest, in fact, loses nothing by reciprocity with Canada, but gains much. Having said thus much in reply to some of the objections to this measure, let us now consider some of its advantages.

TRADE WITH CANADA.

Some idea of the beneficial character of our Canadian trade, and the still greater benefits to be derived from a liberal reciprocity, may be obtained by a view of the extent to which this trade has already reached, in spite of all obstacles and restrictions. I will not consume the time of the House by reading tabular statements, but content myself with giving amounts in round numbers, securing, however, substantial accuracy. Our registered exports to the British North American Provinces for the last year exceed $13,000,000, and the registered imports from the same quarter exceed $6,000,000. But inasmuch as it is impossible to watch thoroughly by Government officials a border of two thousand miles in extent, it is certain that the actual trade is much greater. We may safely set down the aggregate at $20,000,000. This trade has all sprung up within a few years. It is now rapidly increasing, and would continue to increase beyond any previous ratio, were it not for the obstacles interposed by unwise legislation. The average rate of duties levied by Canada on goods imported from the United States is twelve-and-a-half per cent., while the average of duties levied by the United States on goods imported from the Canadas is twenty-three per cent. This inequality of duties accounts in part for the difference between our exports and imports, which in a great measure destroys the mutual advantage of the trade. But the worst effect of such high duties is to stop trade in many articles altogether. Our merchants cannot now import an article, however much it may be needed, unless it will pay a sufficient profit over and above the twenty-three per cent., nor can they carry there the productions of our skill and industry unless they can make on them a living profit over and above the twelve per cent. duty charged in Canada, and consequently the exchange of many articles is entirely prevented which else might be exchanged with great mutual benefit. These restrictions on our trade are of course highly injurious to our shipping interest. Freights have to be increased, as the certainty of return cargoes is lessened. But let trade be free and the number of articles of exchange increased, and freights might be greatly reduced, and yet larger profits be made.

And when these restrictions are removed, other sections of the Union will share with the lake country in the benefits of the Canadian trade. Kentucky will find a new market for her tobacco and hemp. Louisiana secures a market for her raw sugar. South Carolina gains admission for her rice; and in addition to these products from opposite sides of the Union, our manufacturing States will find a new and profitable market for their wares.

FREE NAVIGATION OF THE ST. LAWRENCE.

But the principal obstacle in the way of the commerce of the lakes will only be removed when Great Britain shall be induced to concede to us the free navigation of the river St. Lawrence. What are these great lakes but expansions of this magnificent river? It is the natural outlet to the ocean, and not less is it the natural highway for our commerce with the world. But because this river has been closed against us, other and artificial channels of communication between the lakes and the sea-board have been constructed at enor-

mous expense, which has been justified by the incalculable benefit some of these, as the Erie canal, have been to the country and to the West. But besides the expensiveness of using these artificial channels—and that is no trifle, for the Erie canal levied $3,000,000 last year in tolls on produce going east and on merchandise going west—there is another and still more serious objection: they are inadequate to our wants; not all the railroads and canals that have been constructed since the Erie canal, are able yet to meet the demands of our commerce.

The trade of the great lakes in 1851 was $326,000,000, or more by $40,000,000 than the exports of the whole country. This trade employs some two hundred and fifteen thousand tons of shipping, of which about two thirds are in sailing vessels, and about one third is propelled by steam. The sum invested in this shipping is over $8,000,000, and so long as we are not permitted to use the river St. Lawrence, this $8,000,000 is compelled to lie idle and unproductive for about one third of the year, while the interest on the capital thus invested is running up to $250,000. If the navigation of the St. Lawrence were secured to us, a large proportion of this shipping would load up in the fall with the produce of the West, and run down the St. Lawrence and out to sea before the ice had closed the river. During the winter, voyages would be made to England, to the Mediterranean, to the West Indies, or to South America. In the spring they would return, bringing cargoes from the countries they had visited, or they would bring fish from the Provinces, pass up the river again, and be on the lakes in time for the summer trade.

A gentleman near me remarks "that the lake craft dare not venture upon a navigation so dangerous as that of the Gulf of St. Lawrence." To that I reply, that the men who dare to sail on Lake Erie, where there is neither depth of water nor sea-room, will not be afraid of that gulf, nor of any other place where money is to be made. A few years since, a vessel started from Cleveland, loaded with western produce, and carrying some of my neighbors as passengers; she went down the St. Lawrence, by special permission, then out to sea, and round by Cape Horn to San Francisco, in safety—thus practically solving this problem; and it was not inappropriate, therefore, that she was named the Eureka. Make the river free to us, and thousands of vessels will follow in the same course.

The people living in the valley of the St. Lawrence are of the opinion that the Government of the United States ought to make an effort in reference to this river as decided as that which was so successfully and properly made in 1803, to secure the freedom of the Mississippi. The St. Lawrence is to the North and West what the Mississippi is to the West and South. The valley of the St. Lawrence is not less important to the country than the valley of the Mississippi. It contains half a million of square miles, embracing, on our side of the line, western Vermont, northern and western New York, northwestern Pennsylvania, the northern portions of Ohio, Indiana, and Illinois, the whole of Michigan, and part of Wisconsin and Minnesota. It already has a population exceeding four millions, and it is not unworthy of note in estimating its future, that it lies within those latitudes where the densest population of the Old World is to be found. With the exception of the agricultural, the most important resources of this great valley are almost entirely undeveloped. Scarcely anything has yet been done to open to the world the immense mineral resources of the Lake Superior region. Around that vast inland sea the whole country almost seems to be but a succession of rich ore beds; copper, iron, and lead are found there in greater abundance than elsewhere in the world. When the ship canal around the Falls of the St. Mary's river, now about being commenced, shall have been completed, the whole mineral wealth of this region will be made available. Millions of tons of coal from Ohio and from Pennsylvania will be carried thither, and copper and iron brought back in return. But besides the agricultural and mineral resources of the St. Lawrence valley, it is possessed of unequaled hydraulic power, which is to be applied, and at no distant day, to manufacturing purposes. To say nothing of the various rapids between the head waters of the St. Lawrence and its mouth, there is Niagara, where alone seems to be power enough to turn all the wheels in the world. Hitherto this prodigious accumulation of power has run to waste. This cannot be suffered longer. The people who tame the lightning, and compel it to run on errands, will soon put bands on this old giant, and compel him to grind in the prison-house. There is, therefore, in nature nothing wanting to make this valley the great manufacturing region of the country but the removal of those commercial restrictions which alone prevent the development of its immense resources.

COAST FISHERIES, ETC.

We have still another inducement to adopt a liberal measure of reciprocity, inasmuch as on this is likely to depend a satisfactory adjustment of the difficulties growing out of the coast fisheries. By an existing convention, as we all understand, our vessels are not permitted to fish within a marine league of the shores of the British Provinces, nor have they the privilege of drying and packing on shore. By the first of these prohibitions they are excluded from the best fishing-grounds; by the second, they are prevented from securing properly what they do take. From both these restrictions they would gladly escape, and it is not surprising that both are often disregarded; and hence Great Britain has to send ships-of-war to secure to the fishermen of the Provinces the enjoyment of their monopoly. Our vessels are often seized, and much irritation and some danger grows out of it. If we can offer to the British Provinces a liberal scheme of reciprocal free trade, it is understood they will surrender all exclusive right to take fish upon their coasts, and our fishermen will have free access to the best fishing-grounds in the world. Should this arrangement be made, every family in the Union may be benefited, because fish may then be obtained at lower rates and of better quality. In its national bearings, this free access to the provincial fishing-grounds is universally conceded to be of vast importance. The fishing trade thus opened will give employment to tens of thousands of men and boys, and so become the great nursery for seamen, from which our naval and mercantile marine may always be supplied. The importance of this consideration cannot easily be overestimated.

We come, then, to the conclusion that this measure of reciprocal free trade with Canada will not injure any section of this Union, nor scarcely any of its particular interests, even temporarily, while it is of vital importance to a large portion of the country, and will, by its direct effects, or by the collateral advantages secured in connection with it, be highly beneficial to the whole. So far as this measure goes, it is a step in the right direction; it knocks off some of the fetters with which commerce has too long been bound. I believe that "sound policy requires a system of free trade with all nations that will trade free with the United States." We think this especially true in reference to these neighboring Provinces, settled, as they are to a great extent, by a people having the same origin, language, and pursuits; being, in fact, in many instances our relatives or friends, and often separated from us merely by an imaginary line. It is for the interest of these neighbors to trade and make exchanges, and they will do it. Then, why not openly permit what you cannot and ought not to prevent?

I know that some of the friends of this measure have doubts of its success at the present session. We are now near its close, and perhaps attention has not been sufficiently turned to this subject. Lest these fears should prove to be well founded, which, however, I am not willing to believe, I take this occasion to say that this beneficial measure can certainly be secured if those interested in the commerce of the valley of the St. Lawrence will bestir themselves. The subject is but imperfectly understood even by those most immediately interested. The press must do its work, and the public mind must be informed and aroused. Let the Representatives to Congress from this noble valley come thoroughly posted up on this question, and prepared at the outset to insist that the most efficient man from the whole lake region be placed on the Committee on Commerce. Finally, let them act in concert, and whatever is not obtained at this session will be secured at the next.

Before taking my seat, Mr. Speaker, I would move an amendment to the bill by inserting the word "coal" among the articles enumerated in the first section. I desire also to move an amendment in reference to lumber, but as there is now pending a motion to commit, these amendments, I know, would not be in order. I hope to have an opportunity to propose them at the proper time. There is, however, another change which I very much desire, and as I cannot move it as an amendment, I ask that by general consent it may be made as a correction. The bill provides for the free exchange of undried fruit, while dried fruit is not embraced within its provisions. The south shore of Lake Erie is a beautiful fruit region; our peaches are equal to those of New Jersey, and our apples I think the best in the country. These apples in the undried state are barreled up for exportation, and this trade is of some consequence to us, but our trade in dried apples and peaches is, I believe, much more important, and restrictions on it would operate severely on the fairest portion of our constituents. Sir, the pretty daughters of our western farmers have a commendable way of making their pin-money by drying this fruit. I trust, therefore, that no gentleman will think of raising an objection to a correction, so that the bill instead of "undried fruits," may read "fruits dried and undried."

The SPEAKER. No objection is made. The Clerk will make the correction.

Mr. TOWNSHEND. Then I conclude, sir, by expressing the hope, that when the bill comes up for final action, it will first be amended, and then passed.

RAILROAD TO THE PACIFIC.

SPEECH OF HON. TRUMAN SMITH,

OF CONNECTICUT,

IN THE SENATE, *February* 17, 1853,

On the bill for the protection of the Emigrant Route and a Telegraphic line, and for an Overland Mail between the Missouri River and the settlements in California and Oregon.

Mr. SMITH said:

Mr. PRESIDENT: I do not know but that this subject has already been sufficiently discussed to enlighten the deliberations of the Senate, and to conduct us to such results as shall accord with the public interest. I am a strong friend of this measure, and do not intend it shall be killed off by unnecessary or protracted debate. If, therefore, the Senate will indicate a desire to bring the question at once to the test of a vote, I will resume my seat.

Mr. GWIN. Agreed! let us have a vote.

Mr. COOPER. I desire to address the Senate on the subject, and cannot consent to forego the privileges of the floor.

Several SENATORS, to Mr. SMITH. Go on! Go on!

Mr. SMITH. I must, then, throw myself on the indulgence of the Senate in submitting a few remarks, which I trust will be accorded to me, if for no other reason, in consideration of the fact that I seldom obtrude myself on the notice of this body, and never except to discuss some matter of practical importance. I have taken no part in the discussion of a variety of questions which have been raised here touching our foreign relations, and which have occupied a large portion of our time during the present session, to the exclusion of this and other matters deeply concerning the welfare of the American people. But though we are brought very late to an examination of this bill, I hope enough of time and opportunity remains to enable us to make an enlightened and proper disposition of the question before us. And what, sir, is that question? It is whether we shall now adopt a measure commended to our confidence by the deliberations of some of the ablest and most experienced members of this body.

I confess, Mr. President, I have concluded, contrary to my first impression, that it is my duty to acquiesce in the result of those deliberations, and to give the bill before us, with slight exceptions, my cordial support. It is true I did, very early in the debate, express the opinion that it would

be impracticable, during the present short session, so to arrange and settle the general plan and details of a bill as that it would command the support of the two Houses of Congress. I therefore insisted that nothing more could be done than to make provision for such surveys and explorations as would be required for a proper and just appreciation of the subject by the next Congress. But the Select Committee, at the head of which my honorable and excellent friend, the Senator from TEXAS, [Mr. RUSK,] has been placed, has satisfied me that I was mistaken. They have brought before us a bill which seems to me to have been well considered, and to be substantially right, both in its general plan and details. I am, therefore, for pressing this bill to a vote; I am for taking the judgment of the Senate on the subject, and let those incur the responsibility who would defeat the measure and postpone even the commencement of this work for two years longer. Be it remembered, if we do not act now, no bill can be got through the next Congress until July or August, 1854, and that little or nothing can be done to advance the measure until the spring of 1855. Hence, sir, I rejoice at the success of the committee, and I desire to proffer to them my cordial thanks for their indefatigable labors. If nothing is now done on this important subject, no one can think of laying the blame at their door.

I repeat, Mr. President, I consider this bill substantially right. I do not mean that either the general plan or details are such as I would have proposed. I suppose if every honorable member were to be charged with a subject like this, susceptible of an infinite variety of plans and details, each would adopt a measure having a specific character, and differing from that of every other member. If we are to wait until every member has before him exactly the scheme he would prefer, we should wait until the end of time. I feel myself under an obligation to lay aside my preferences and my notions of what would be best in dealing with such a subject. If I can find in the bill a plan that is practicable, and which does not compromit any great public interest, or violate any fundamental principle, it will be enough for me. I shall feel it to be my duty to accord to it my support.

And what, Mr. President, is the object contemplated by this bill, and what is the scheme by which that object is to be reached? The former is one of the most magnificent which could be proposed to an American Senate, being no less than the establishment of a railroad and telegraphic communication between the navigable waters of the Mississippi river, or one of its tributaries, and those of the Pacific coast, and this, too, wholly within our own territory—an enterprise of vast magnitude, which, when accomplished, cannot fail to produce results of infinite consequence to ourselves, and to the world. The scheme is a moderate one. It does not involve an appropriation of any considerable amount of the public treasure, and certainly no part of the public domain now of much value, and yet it holds out such encouragements for the investment of private capital, and the enlistment of private enterprise, as to make the execution of the work, within a reasonable period, morally certain. The bill sets aside $20,000,000 for this work, to be advanced as it progresses, and grants in the States alternate sections of the public lands, on each side of the road, for six miles in width, and in the Territories, for twelve miles in width. It makes it the duty of the President, after obtaining the requisite information, to fix the termini and general course of the road, and then directs him to enter into a contract, after public notice, with the lowest bidders, for the construction of the road and telegraphic line, with regulations and details which need not be specified. The contractors are to own the road and line, and to levy tolls subject to the supervision and control of Congress to a certain extent, and are to surrender them up to the United States at the end of thirty years, should Congress so elect on terms which would seem to be equitable and just. In the mean time, they are to be subjected to such burdens by the free transportation of the mails, and the officers, troops, and property of the United States, as are likely, in course of thirty years, to be more than an equivalent for the money advanced and the land granted. The bill also confers on the contractors corporate powers, which would seem to be quite important, if not indispensable, to a proper execution of the contract, the convenience of the parties, and the safety of the capital to be advanced by them.

To this bill the honorable Senator from Pennsylvania [Mr. BRODHEAD] has proposed an amendment, the only effect of which will be to adjourn over the whole project for an indefinite period. He moves to strike out the enacting clause, and to substitute a provision for such explorations and surveys, by and under the direction of the Secretary of War, as he may deem advisable to ascertain the most practicable and economical route, for a railroad from the Mississippi to the Pacific; and also a further provision authorizing and requiring the Secretary to receive proposals from individuals or associations, for the construction of the road, to be laid before Congress at its next session.

This amendment, Mr. President, will, if adopted, be in substance a rejection of the bill, and a repudiation of the labors of the committee. It is certain, that if we are to have a thorough exploration and survey of all the various routes, and the costs of each precisely ascertained so that we may determine which is the most practicable and economical, as an indispensable preliminary to the action of Congress, the work cannot be commenced in many years.

The honorable Senator would seem to contemplate a survey of all possible routes, and of all possible modifications of each route, for in no other way can the question of comparative practicability and economy be settled. Of course he must cause a survey to be made by way of the South Pass to the navigable waters of the Columbia, if not to Puget's Sound, and then, also, by the same pass, to San Francisco. He must cause a survey to be made by way of New Mexico and Walker's Pass, to the Pacific; and then he must take up each of these general routes, and examine all the various modifications which may be suggested. He must also ascertain what is the number of square yards of embankments, excavations, and masonry, which would be required on each route, together with the cost of viaducts, depôts, and other structures, indispensable to the proper working of a railroad. He would be obliged to organize several corps of engineers, and employ them on different parts of the work, and each would have to be protected by detachments from the Army. How long would it take to execute such a work, and what amount of expenditure would be required?

Fortunately, we have the lights of experience to guide us. On the 30th of May next it will be four years since we commenced running the boundary between the United States and Mexico, in conformity with the treaty of Guadalupe Hidalgo. The work has not been finished to this day, and has cost us half a million of dollars; and yet at least one half of that boundary consisted of rivers; and with respect to the other half we had nothing to do but to draw a line from point to point on the surface of the earth, and mark it by suitable monuments. How infinitely more vast is the undertaking proposed by the honorable Senator! Estimates of embankments, excavations, masonry, and other matters appertaining to a railroad, would be found to be quite a different affair from merely settling a line, as in the case of the United States and Mexico. I verily believe the surveys that would be necessary to enable Congress to determine which is the most practicable and most economical route would require more time and a larger expenditure of money than the construction of the road itself.

But the honorable Senator [Mr. BRODHEAD] requires the Secretary of War to receive proposals for the construction of a road from the valley of the Mississippi to the Pacific ocean, and to lay them before Congress at the next session. How can proposals be made when the honorable Senator does not condescend to inform us how, when, or where this road is to be constructed? He does not say whether it is to be a road to the Columbia river or to San Francisco, or if to the latter point, whether it shall have its course through the South Pass or by New Mexico;—whether its eastern terminus shall be on the Mississippi or at some point in the western boundary of Arkansas, Missouri, or Iowa;—whether it is to be a road with a single or double track, nor whether it shall be finished in five years or twenty-five. The idea of getting any valuable information for the guidance of Congress in this strange way, cannot of course be seriously entertained by one so eminently practical as the honorable mover. Without intending any disrespect to the Senator, I have to say I consider his proposition a mere evasion of the question before us. I think it would be better to reject the bill at once, than to adopt a measure so utterly futile and impracticable. I understood him to avow, with a commendable frankness, that his object is to defeat the bill; but I think it would be more manly and more statesmanlike to defeat it by a direct and positive negation, rather than by a substitution which on its face amounts to nothing and can come to nothing.

Without dwelling any further on the substitute which has been offered by the honorable and very worthy Senator from Pennsylvania, I proceed to say that there are three different methods which can be adopted, to provide for the construction of this work. The first is to make it exclusively a Government work, to be executed by the national Executive, in conformity with the directions of Congress, and at the proper cost of the national Treasury. It is believed that great advantages would attend this plan, provided the contract system be adopted, and the contractors be compensated in part out of the public domain. The contract system would, in my judgment, be indispensable to a proper economy. If it were executed after the fashion of the Cumberland road, I do not hesitate to say it would cost three or four times as much as it ought to cost. But by letting the road out in sections to the lowest bidders, I suppose the outlay could be brought within reasonable limits, and would not greatly exceed the cost of roads constructed by private enterprise and capital in various parts of the country. If, then, we were to add compensation in part from the public domain, in the usual manner, the requisitions on the Treasury would be reduced so low that they could be promptly met without serious inconvenience to any branch of the public service. But this scheme is not now before us, and therefore I need not dwell on it further.

A second method would be to make the construction of the road exclusively a private undertaking, and to put the work into the hands of such citizens as may be disposed to furnish the requisite capital, and would execute the work on the most favorable terms for the public; leaving it to their own sagacity and sense of interest to fix its termini and general course, together with all the details of location, making them such compensation in land, or money, or both, as may be deemed adequate, just, and equitable. It is safe to say that whatever would be best for the stockholders in respect to the location and general course of the road, would be quite likely, nay, morally certain, to accord with the public interests. The sagacity and shrewdness of private enterprise would be no unsafe arbiter of questions which it might be difficult to settle in the two Houses of Congress.

The third method is the one which we have before us; it is the intermediate method, where governmental control and capital is combined to some extent with individual control and capital. The Government is to fix the termini of the road, and its general course throughout, and the details of location and execution of the work is to be confided to such citizens as may be disposed to furnish the capital requisite for the consummation of this great enterprise. I need not, Mr. President, enter into a comparison of these three methods. The honorable committee have seen fit to adopt the last, and I can see no superior advantages in either of the two former to induce me to reject the latter. I therefore have made up my mind to support it.

But there are some objections which have been made to this plan, which I wish to notice briefly. They have been examined, and as I humbly conceive, refuted with signal ability by my honorable and excellent friend, the Senator from Tennessee, [Mr. BELL,] who has just resumed his seat.

It has been asserted by honorable Senators, and among others the honorable Senator from South Carolina, [Mr. BUTLER,] to whose opinions I have ever been disposed to listen with deference and respect, that this bill proposes to confer on the Executive, or the chief of the incoming Administra-

tion, a power which is unprecedented in the history of the country. I fully admit the extent and magnitude of the power proposed to be conferred. To fix the termini of this road, and to lay down or establish its general course, is to decide questions which deeply concern the welfare of the whole country; and yet I cannot see how we can do better than to place the disposition of these questions in the hands of the Executive. I think we can do so, under the circumstances of the case, with safety and propriety.

I am apprehensive, Mr. President, that I shall be obliged to pay a poor compliment to the two Houses of Congress, for I am constrained to say, as the result of many years' observation, that I have as much confidence in the impartiality, sound discretion, and high sense of patriotism and duty, of the President elect—nay, a good deal more—than I have in the collective judgment and wisdom of the two Houses of Congress. I am not among those who share the responsibility of his elevation to the Presidency. I supported, with whatever of effort I was capable, another citizen, who had rendered his country services such as no man now living can boast of, and who, I thought, by his great experience, his generous and patriotic course, his unspotted life, and his transcendent abilities, was entitled to fill the chief executive office. But my wishes, my opinions, and my efforts, were overruled, and, like a good citizen, I cheerfully acquiesce in the result. The President elect has received a high expression of the confidence of his countrymen. The North and the South, the East and the West, supported him with unexampled unanimity, and it is my sincere desire that his Administration may be successful—may conduce to the prosperity of the American people, and to the success of our free system of government. I shall oppose to that Administration no factious opposition, and shall be governed, on all occasions, by a proper sense of right and of duty.

And what, after all, is this power to be vested in the hands of the Executive, which some honorable Senators seem to suppose so tremendous? Why may we not confide it to the Executive, and where is the hazard? Do we not at every session appropriate from forty to fifty millions of dollars for various branches of the public service, and is not the expenditure of these vast sums confided, in a great degree, to Executive discretion and Executive agency?

In the present instance he will have only to fix the termini and general course of the proposed road; and coming, as he does, from New England, from the remote East, his mind will be free from all bias, and in a condition to dispose of the question on its true merits. It seems to be an assumption here that the President is to settle this matter by his own unaided judgment; but it is not so. He will, in the first place, have the counsel and assistance of his Cabinet, composed of no less than seven citizens of the country (I shall venture to presume) of high ability and standing. He will also have the power to organize a board of officers, if he shall be pleased to do so. It will be his duty to cause the surveys to be made in advance, and to obtain all the requisite information to enable him and those whom he may call to his assistance, to determine what should be done. I desire to know whether results, such as the President would be likely to arrive at, with all the surveys and explorations before him, and with the assistance of his Cabinet, and, as the case may be, of a board of officers of distinguished ability, would not be quite as likely to accord with the public interests as any judgment we shall get from the two Houses of Congress? I hope I shall not be considered out of order when I say that the two Houses have reduced themselves to such a state, that they are competent to do little more than pass the general appropriation bills, and that they do after a sad fashion. In the House of Representatives I believe it is seldom in order to do what should be done, and nearly the whole of the public business there has to be transacted in violation of the rules, or, in other words, by suspending them. Here we have no previous question, no means of closing a debate. Hence nearly the whole of every session is occupied in discussing a few topics, and those, too frequently, of no practical importance, and much the larger proportion of the business before us we are obliged to act on without debate, or not act on it at all. We have so much liberty of debate, that we really have none at all as to most of the matters calling for the action of Congress. Hence, after many weary months in listening, with what patience we can muster, to never-ending disquisitions, relating to anything else than legitimate subjects of legislation, we find the moment at hand when the session must be closed. We then snatch up the appropriation bills and hurl them through the two Houses, much as shot may be thrown out of a shovel. Nobody knows what they are, or what they provide for, unless the honorable members of the Committee on Finance of the Senate, and on Ways and Means of the House, be exceptions. What a rush do we witness, of secretaries, clerks, and messengers, to and from the two Houses, and to and from each and the Executive, all in hot haste, lest this or that appropriation should be lost by the advent of the inexorable hour.

Now, suppose all the surveys and explorations contemplated by the honorable Senator from Pennsylvania should be made, and all the different routes estimated, planned, and laid down on maps, (the world would hardly contain the books which would be written,) and the whole of this vast amount of information should be pitched into the two Houses of Congress, what would become of it? What chance would there be that the subject would receive a dispassionate and a proper examination? Should we not have interminable debates, and either no result or a very unfortunate one, rushed through on the very heel of the session? And, then, what heart-burnings, what jealousies, what sectional dissensions should we not have! Would not the opponents of this policy, reinforced by those who are dissatisfied with this or that location, be sure to defeat the whole scheme? Indeed, on the question whether the fixing of the termini and the general course of the road shall or shall not be referred to the Executive Departments, depends, in my judgment, the question whether we shall or shall not have a railroad to the Pacific. The committee have hit on the only practicable scheme. With the President, there will be a proper sense of responsibility, high intelligence, and a just appreciation of the true interests of the country. I am satisfied there will be no want of either inclination, ability, or effort, on the part of the incoming Executive, to make a wise and safe disposition of this entire matter. It is possible that a reference to the President may cause a location contrary to my present impressions of expediency. I prefer the route by the South Pass, if practicable, because from thence we can branch to Oregon; whereas, if the southern route be taken that will be impossible. But I am for a road anyhow, whether North or South. Besides, I believe we shall have a railroad within twenty-five years, between the Mississippi and the Columbia or Puget's Sound. I believe it with almost as much confidence as I do in my personal identity; and I do not concur at all in the opinion expressed by my honorable friend from Pennsylvania, [Mr. COOPER,] the other day, that the snows would render a railroad impracticable at the South Pass. If such roads can be worked to advantage in New England, Canada, and even in Russia, in the winter season, I am quite sure there can be no barrier to their use at all times at the point mentioned, and even at a much higher latitude.

It is also insisted that it is improper to pass this bill for the reason that the surveys and explorations have not been had which have usually been deemed an important, if not an indispensable, preliminary to legislative action on such a subject. If we were about to fix the termini and general course of the road, this objection would have great weight; but when these points are to be referred to the Executive, and when the bill directs these very surveys and explorations to be made as a basis for his decision, it obviously has no force. I have already, in opposing the amendment of the honorable Senator from Pennsylvania, [Mr. BRODHEAD,] stated fully my objections to surveys and estimates in detail of all the various routes, and of the modifications of each route with a view to comparison, and an accurate and precise calculation on their economy or cheapness. I say, if this is to be done, there is not a Senator in this Chamber who will live to see the day when the work is commenced. I maintain, moreover, that such fullness and precision of survey and of estimates is wholly unnecessary. In such a vast undertaking, one or two millions the one way or the other is of no importance, and it would be folly in the extreme to waste ten millions in order to save one or two. With respect to the practicability of the work, much is already known. We need, for example, no survey, to satisfy us that we can construct a road to the South Pass, and from thence to the eastern base of the Sierra Nevada. The ascent from the Missouri to the pass is so very gradual as not to be perceptible to the traveler; but when he comes to test the elevation by the barometer, he finds himself, if I do not misrecollect the figures, from six to seven thousand feet above tide water.

Every one admits we can build a railroad from the Missouri to the Sierra Nevada, but whether we can get over that mountain is a matter of doubt. The Sierra would have to be explored through several degrees of latitude and all the passes carefully examined. This would be the only point on that route of serious difficulty. On the southern route several points would require examination. It would be necessary to examine the ridge between the waters of the Mississippi or its tributaries and those of the Rio Grande; also the ridge between the waters of the Rio Grande and those of the Colorado, and also the ridge between the waters of the Colorado and those of the San Joaquin. This would involve an exploration of all the mountain passes. Probably the grades would have to be ascertained at all the difficult points on each route, and then the question, whether of practicability or economy, must be decided either by Congress, or, as proposed in this bill, by the Executive. I believe all the information requisite to a proper disposition of the subject could be obtained in a single season, and then we can commence the construction of the road at an early day. Having determined on the point of departure and the general course of the road, the surveys and estimates in detail can then be made with safety, economy, and dispatch. You will need no detachments of the Army to protect your surveyors. Large bodies of men will be employed on the road, who will hold in check and probably keep at a distance the savages of those regions. It will be necessary ordinarily to survey only one or two hundred miles in advance of the road as it progresses, and then the road itself will facilitate the passage of the surveyors to and fro, and the transportation of their supplies, and this will greatly reduce the expenses of the operation. Indeed it is, in my judgment, indispensable that surveys and construction should go forward at the same time, and in no other way could the former be accomplished without an enormous outlay. Every one must see at a glance that the construction of the road in part will greatly facilitate surveys in advance.

If, for example, the President were to decide that the point of departure should be at or near Independence, Missouri, and if we commence the construction, and carry the road forward, say four hundred miles, it is obvious that this would aid essentially surveys for the next one hundred miles. Probably the cost of such survey would not be one tenth part what it would be were the work undertaken without the aid of the road. The combination, therefore, of the two operations to some extent, is indispensable to economy if not practicability. And what is more, on the plan here advocated, the parties who make the contract will have to be at all the expense of these surveys and estimates in detail. They need not cost this Government one penny. All, therefore, we should provide for, are such explorations and surveys as would enable the Executive to fix the termini and general course of the road, and precise estimates and calculations, such as are ordinarily laid before our State Legislatures in cases of this sort, are impracticable and unattainable. The case is a peculiar one; the object is to connect the two sides of a vast continent, and the intermediate space is a wilderness thronged with savages. Explorations and surveys are alike difficult and dangerous, and to apply to such a case the rules ordinarily observed by our State Legislatures, is absurd and ridiculous. The necessities of an undertaking so novel and unexampled, will furnish laws by which we should regulate our conduct.

I wish now, Mr. President, to assign briefly the reasons by which, as I conceive, the policy of this bill can be vindicated. It is not pretended that either private citizens, or the authorities of the States through which the road must run in part, can undertake its construction. The States have no power to act in the Territories, and have not, moreover, resources adequate to an enterprise of such vast magnitude. The work, therefore, must be executed by the authority of Congress, and at the expense of the National Treasury, at least in part, if it is to be executed at all.

I have then to say, Mr. President, in the first place, that the construction of this road will tend powerfully to develop the internal resources of the country. It will open a vast breadth of the public lands, now inaccessible, to speedy settlement. It will also bring within our grasp the mineral wealth of the remote interior, particularly in copper, and other metals of great economic value, to say nothing of gold and silver. It is well known that there are in New Mexico, on the Gila river, extensive and very productive copper mines; and I was informed, not long since, by an intelligent officer of the United States Army, that there are similar mines in northern Texas. Whether the road will, if constructed, take the direction of these mines I cannot, of course, say, but in any event it is highly probable that much would be gained to the country by the mineral developments which it would occasion wherever located. I say nothing of the addition which may possibly be made to the inexhaustible supplies of the precious metals which we already enjoy. I have, I confess, some serious misgivings in regard to this business of gold hunting. I fear it is an avocation not exactly calculated to induce those habits of steadiness, sobriety, economy, and self-denial, which are important to the well-being of society. What our people want is steady employment, and moderate gains. I indulge, however, no inconsiderable hopes that the experience of the world will be reversed in California, and that our citizens there will prove all that the friends of free institutions could desire.

I insist, Mr. President, in the next place, that this road will promote our internal trade and commerce. Much of the surplus products of the agriculture of the country will be turned over this road to California, and thus the eastern markets will be relieved, and agriculture everywhere benefited. If we could find on the shores of the Pacific a market for the products of even a few of the western States, it would be an immense benefit to all sections. The great difficulty with our agriculture is over production. Any considerable surplus of any crop, will frequently cast down its aggregate value a hundredfold more than the value of the surplus itself; hence by taking off from our eastern markets some portion of the pressure from the West, by opening a vent in the direction of the Pacific, we shall confer an incalculable benefit on agriculture in every part of the Union. The good effect will be as sensibly felt in Virginia and North Carolina as in Illinois and Missouri. It is believed, also, that the manufacturers of the eastern and middle States will find a market for their fabrics over this road. This will certainly be true of the lighter articles, as in trade and business, speed and time are often the great elements, and will overrule all other considerations.

The construction of this road will facilitate in a high degree intercommunication between the eastern and western sides of the continent, and will save to our people much of time, money, and life. A journey to and from California, by way of the Isthmus, cannot now be performed much, if any short of two months, and the expenses amount to $500 at least. The hazards to life by that route are considerable, but nothing in comparison with those of the route direct across the continent. Thousands of our citizens have been committed to premature graves, in seeking new homes on the shores of the Pacific, and evidences of mortality everywhere attend the footsteps of the traveler from the eastern to the western side of the Rocky mountains. No doubt the saving to the country by means of this road would in all these forms be immense. The lives of virtuous, intelligent, and upright citizens are inappreciable, but we can form some idea of how much would be saved of money and of time, (which is said to be money,) when this road shall be constructed and the transit from the Mississippi to the Pacific can be effected in a single week. It is not too much to say that the aggregate would amount annually to six per cent. interest on the whole capital required to build the road.

This measure, I again remark, will contribute powerfully to the extension of our external trade and commerce. It is difficult to form now an adequate conception of the effect which a well-constructed, well-appointed, and well-managed railroad, connecting the waters of the Mississippi with those of the Pacific, would have on the business relations of the world. It would probably ere long result in a great commercial revolution, and make the United States the thoroughfare of Europe in going to and from China, and other Oriental countries. Its tendency to build up our commercial emporium, and to advance it towards a supremacy even in competition with London, would be great, and might prove decisive.

The road, when constructed, will enable us to bring into subjection the wild Indian tribes roaming over the interior of this continent, who have been for years harassing the frontiers, particularly those of Texas, and doing infinite mischief there and elsewhere. We shall also by such means find ourselves in a condition to fulfill our treaty obligations to Mexico in respect to these Indians, to which we have hitherto paid little attention. By the eleventh article of the treaty of Guadalupe Hidalgo, we have bound ourselves in the most positive and peremptory manner, to restrain forcibly the incursions of the savages from the United States into Mexico. I have before me that article, and it was my purpose to read it to the Senate, and comment on it, as I do not believe honorable Senators are aware how stringent its terms are, and how high the obligations which we have assumed, to keep those Indians within our own borders; but I will not do so, as I wish to bring my remarks to a conclusion as soon as possible.

This measure will greatly economize the administration of the Departments of War and General Post Office. It will reduce the expenses of our Army, particularly in the Quartermaster and Commissary's Departments. The costs of transportation are now enormous. The troops are largely employed far in the interior of the continent, many hundred miles beyond any railroad or water communication, and all their supplies have to be dragged after them at a frightful expense. This cause has contributed more than any other to swell the appropriations for the Army to such an enormous amount. I intended to have looked into the particulars, but I have not had time to do so. No doubt the additions amount to several millions annually, much, if not all of which, will be saved by the construction of this road; besides, there will be a great saving in the transportation of the mail. A semi-monthly mail to and from California now costs us about one million of dollars per annum, which alone will pay the interest on the $20,000,000 to be advanced to promote the road. And then we are to have soon a weekly mail, and it is not too much to say that the expenditure for the mail service will for the next two years run up to $1,500,000 per annum, not over one third of which will be reimbursed in the form of postages. Besides, the road will economize the mail service in California itself, and it will expedite transportation both for the Army and General Post Office vastly, and thus much will be gained to both branches of the public service. Be it remembered that the bill provides in express terms that the company who may construct the road, "shall at 'all times, and as often as required, transport on 'said road, and every part of the same, the mails, 'troops, seamen, officers of the Army and Navy, 'officers and agents of the Government and of the 'Post Office Department while on duty, arms, 'ammunition, munitions of war, Army and Navy 'stores, funds, or property belonging to the United 'States free from all charges to the Government, 'giving the United States at all times the prefer-'ence;" and it provides also for the free use of the telegraphic line by the United States. I do not hesitate then to conclude, that in the Post Office Department we will save enough to pay the interest on the amount to be advanced by the Government, and more than enough in the Quartermaster's and Commissary's Departments to reimburse the principal long before the bonds for $20,000,000 will become due, if issued in conformity with this bill. Nothing is more certain than that this road and telegraph line need not cost the Government one cent, while blessings and benefits will result from their construction in every way.

But there are other advantages which will accrue from this great enterprise: Should the road take its course by the South Pass and Salt Lake, it will give a permanent supremacy to our laws and Constitution in that part of the continent. Some have apprehended (I trust without any sufficient reason) that a turbulent and insurrectionary power is about to spring up there, which would ere long become troublesome to the country and dangerous to its peace. It is certain that a few thousand resolute men, well armed, and planted in the very recesses of the Rocky Mountains, could not be reduced to subjection without enormous sacrifices both of life and money. The necessity of any such sacrifices will be obviated by the construction of this road. Indeed its effect will be to establish such intimate relations between the Salt Lake district and other parts of the country as to obviate all danger of disloyal movements in that quarter, if any such exist.

If, on the other hand, the road should pass through New Mexico, other advantages will result, of little if any less importance. It would in a short time work a great moral, intellectual, and political revolution in that unfortunate country; or, in other words, it would Americanize New Mexico. It appears from the report of Colonel Sumner, of the United States Army, communicated to Congress by the Secretary of War at the present session, that the people there are by idleness, ignorance, and vice reduced to the lowest stage of degradation and infamy. He says:

"There is no probability of any change for the better. Twenty—fifty years hence, this Territory will be precisely the same it is now. There never can be any inducement for any class of our people to come here whose example would improve this people. Speculators, adventurers, and the like, are all that will come, and their example are rather pernicious than beneficial.

"No civil government emanating from the Government of the United States can be maintained here without the aid of a military force—in fact, without its being virtually a military government. I do not believe there is an intelligent man in the Territory who is not at the present time fully sensible of this truth. All branches of this civil government have equally failed—the executive for want of power, the judiciary from the total incapacity and want of principle in juries, and the legislative from want of knowledge, a want of identity with our institutions, and an extreme reluctance to impose taxes; so much so that they have never even provided the means to subsist prisoners, and consequently felons of all kinds are running at large.

"The New Mexicans are thoroughly debased, and totally incapable of self-government, and there is no latent quality about them that can ever make them respectable citizens. They have more Indian blood than Spanish, and are in some respects below the Pueblo Indians, for they are not as honest or industrious. In this remark I allude to the lower classes—there are some educated gentlemen with respectable families; about enough for magistrates and other official persons. There is not much increase in the population, owing to their gross depravity. I doubt if there is a tribe of Indians on this continent who are more abandoned in their commerce between the sexes than the great majority of this people."

This is certainly a very dismal account of the state of things in New Mexico, but not more dismal than I believe it to be truthful. A state of things which will continue to the end of time, unless we make the country accessible to our people by a railroad. This would work a speedy and a highly salutary revolution. But so long as New Mexico remains in her present situation, we shall have a standing commentary on the folly of acquiring so remote a country, and of bringing under our jurisdiction a people so truly wretched.

But, Mr. President, I now come to a consideration which I deem of high importance, and which I would urge on the particular attention of the Senate. I maintain that the construction of this road is not only important, but indispensable to the defense of our Pacific possessions. It is, I believe, within the constitutional competency of Congress to carry a road through even a State for this purpose. When the case is as urgent as the present, we can vindicate the work precisely for the reasons which would justify the erection of a fortress to bar the entrance into the Bay of San Francisco. It is not only the most effectual, but the cheapest measure of defense which could be adopted. What is the condition of the Pacific coast now, and what will it continue to be without a railroad?

Defenseless, perfectly defenseless. And if a war were to break out with any leading European Power, how long could we hold those possessions? Honorable gentlemen seem to be disposed to assert here what they denominate the Monroe doctrine, in such a manner as would be very likely to lead to a war. If you thus bring on a collision with Great Britain or France, what would become of San Francisco and the other towns situated on the bay of that name? What would become of your Mint and your navy-yard? Sir, that bay is left in such a situation that a miserable privateer, with half a dozen guns, could enter it and lay the city of San Francisco under contribution; an inconsiderable force could ravage the whole coast of California. I do not say they could conquer the State, but I do say they could do infinite mischief. I want, therefore, to hear no more of your Monroe doctrine until you have made some provision for the defense of the Pacific coast. I am for adjourning over the doctrine—Tehuantepec and all other topics of excitation—until this railroad can be constructed. The latter would seem to me an indispensable preliminary to the former. Place us in such a situation that we can in one month throw fifty thousand men on that coast, and you may explode your Monroe doctrine in face of all Europe, for aught I care. We shall then be in a much better situation to defend than any enemy can be to assail. If we have underrated the assailing force, the telegraph will flash the intelligence to Washington, and in ten days we could repair the error by reinforcement. Indeed the mere existence of the road would obviate all danger of attack by any other than a naval force. What European Power would think of sending an army to the Pacific, when they knew that we could meet them with a force of tenfold power by the agency of the proposed railroad? To say that it is inexpedient or unconstitutional to provide for the emergencies of war by the means proposed, is the same thing as to assert that the defense of the country is no part of the duty of this Government. Congress a few sessions since directed a dock, basin and railway to be constructed at the navy-yard in California. So that it seems we have a right to get our ships on to railways. Why not our Army?

But there are difficulties likely to result from a war with one of the leading Powers of Europe, other than those already alluded to. If we suppose that we could defend the city of San Francisco, and protect our navy-yard and Mint, it would undoubtedly be in the power of the public enemy to blockade the whole coast, and cut off the transmission of gold from the Pacific to the Atlantic. A good deal has been said in the debates which we have had during the session on our foreign relations—about our having Great Britain under bonds to keep the peace, by means of our cotton bales; but I would ask honorable Senators to look at our own condition. Are there not bonds for good behavior resting upon us, and that too of a pretty serious character? What if your Monroe doctrine should involve us in a war with Great Britain, and she should, by a blockade of the coast, interrupt the communication between California and the Isthmus, how should we get our regular supply of gold? Or if we should escape that difficulty, and be able to land the precious metal on the Isthmus, how could we get it forward to New York? Honorable Senators have expressed a great deal of alarm in regard to what Great Britain has done and may do at the Bay Islands, but in my judgment, it is a question of little importance. With her ascendency on the ocean, she could, whether she does or does not hold those islands, cut off all intercourse between the Pacific and Atlantic coasts, by stationing a superior force on this or the other side, or on both; the result will be the same, whether you have a route by the Isthmus, Nicaragua, or Tehuantepec. Your communications will be interrupted in the event of a war with a superior naval Power, and then what will be the condition of the country, and what will become of our national and commercial credit? The whole of our currency and all of our business engagements and relations are being constituted on the basis of a regular supply of at least five millions of gold per month from California. Indeed, the supply is believed to be much larger, as the gold sent on freight is understood to amount to five millions, and it is known that a large amount reaches New York and other important points by the hands of passengers. What would become of your banks if this supply should be suddenly cut off? They would, every one of them, be blown into the air, and commercial credit would receive such a shock as has never been witnessed in this country. The very moment the war broke out, our national finances would be thrown into disorder and confusion, and the credit of the Government would sink with that of the commercial classes. This monthly supply of gold has got to be just as necessary to us as the cotton bales are to England. A fleet of steamers stationed at Jamaica would effectually arrest the transmission of gold by the Isthmus. The mere apprehension of danger would be enough. Suppose you were to drive Great Britain out of Roatan and the rest of the Bay Islands, will that make your freights of gold safe? Would it do to provoke her to a contest by exploding in her face a half dozen pieces of ordnance, well charged with the "Monroe doctrine?" Something was said here, on a former occasion, about the Gulf of Mexico being a "*mare clausum*"—an American sea. It is a curious sort of "closed sea," with Great Britain in possession of Jamaica and other islands on one side of it.

I maintain that an effectual interruption of this supply of gold, even for a few months, would be almost fatal to currency and credit. The time is near at hand when California will send us $10,000,000 per month, and perhaps even more; and the loss of this supply, even for three months, would be most seriously felt. The Government would be crippled at the very outset of any war in which we might be involved, and incapacitated in some degree for sacrifices and efforts such as our national honor and interests might require. We should be obliged to have the gold any how, and this could only be done by the inland route. You would be obliged to organize caravans for its transmission, which you would have to protect by detachments from the Army. An escort of at least five hundred men would be required to each caravan, as fifteen or twenty millions in gold would hold out temptations which might lead to combinations and aggressions of a dangerous character. And, then, only think of such a caravan "dragging its slow length along," over mountains and deserts, and reaching the city of New York in about six months. In the mean time, and at the very outset of the war, all your banks will have been exploded, your merchants bankrupted, commercial credit broken down, and alarm and distrust spread through all departments of business, and all the ramifications of society. Probably your Government would be placed in such a situation that it could not borrow a dollar. But, whether this would be so or not, it is certain that the interruption of the supply at the outset of a war, even for three months, would occasion disasters and losses to the Government and people more than equal to the whole cost of this road. The regular transmission of this gold is just as necessary for the national safety and defense as a good supply of powder and ball; and yet honorable Senators tell us we have no right to construct this road. One Senator has a stitch in his conscience on the score of constitutionality. He denies our power to adopt this measure, and insists it is violative of the Constitution. Another Senator has a stitch on the score of expediency, or rather he is for the measure as highly wise and proper, but not now; only adjourn it over to the next Congress, and let us have the surveys. O! the surveys! let us have the surveys! But now is the hour, in my judgment, for taking the initiative in respect to this great enterprise, and I ask it in the name of preparation for war which may come, for which we should be prepared. I ask it as a measure having an important bearing on credit and currency, and as indispensable to both in case of a war with a superior naval power; and I ask it that we may be well prepared on both coasts to repel aggression, and to assert the rights and maintain the honor and the dignity of the American people.

But it must not be inferred from these remarks that I view war with approbation. I can hardly conceive of a war short of one strictly defensive, which I should look upon with complacency. I think men die fast enough anyhow. There is no necessity of calling into requisition gunpowder to hasten them into eternity. I am for peace and for cultivating the arts of peace. I am for constructing this railroad in order that we may have peace. I verily believe that the consummation of this vast enterprise would do more to cause us to be respected, nay, to be feared by the nations of the earth, than the erection of twenty fortresses, or the construction of forty ships-of-the-line.

There is another consideration to which I would refer, and which, I doubt not, will be properly appreciated by the Senate. The construction of this road is indispensable to the consolidation of our Union, and to bind the two sides of the continent together by the strong ties of mutual dependence and reciprocal interests. Without the means of prompt and easy communication, it would be better not to have a country on the other side of the Rocky Mountains. The existing state of things is utterly objectionable. I was, in the first instance, strongly opposed to the acquisition of California; but as she has been admitted into the family circle, and now constitutes one of the brightest stars of our national galaxy, I am for holding on to her. I have no idea that her people are or will be disloyal to our Union, but I wish to establish more intimate relations between her and her sister States—those of immediate vicinage, and that a railroad will do. When this is done, no centrifugal force can throw her out of her orbit, but she will maintain her proper place in our system, and will revolve around the common center to the end of all time. Besides, how is this General Government to exercise its functions in California without this railroad, whether in war or peace? Suppose there is an incursion of savages upon the people of some part of that State, and it becomes necessary to repel them. Suppose the officers of the Army or Indian agents need instructions from the Executive at Washington, how are they to obtain them? Why, it requires two sea-voyages to get the information to Washington, and two more to get the instructions back, taking up, I suppose, from two to three months.

Again: suppose there is an insurrection in California, or a sudden attack by some foreign foe, would there not be a necessity for means of immediate communication with the General Government? Suppose some doubt should arise at San Francisco in respect to the construction of your revenue laws. A cargo of goods arrives, and the collector is of the opinion it should pay one rate of duty, and the owner insists on a lower rate, and the collector desires the instructions of the Secretary of the Treasury on the subject, would not the delay of two voyages by sea to reach Washington, and two to get back, be intolerable? Would it not be ruinous to all concerned? How are your post office laws to be administered in California? How are you to administer this Government there at all, without this railroad? If the collector of San Francisco should die, how long must business be interrupted before his place can be filled? If a judge should die, how long must the court be closed and justice delayed? Nothing can be more embarrassing than the dispensation of patronage in California on account of the distance. It is almost impossible to get reliable information, and this the present Administration have experienced to their sorrow. If the distinguished gentleman who is coming here soon to stand at the head of the Government does not encounter similar difficulties, I shall be greatly disappointed. I maintain that such a state of things is intolerable, and I think we should not occupy ourselves with any miserable controversy about the Bay Islands or Tehuantepec, but should at once take hold and construct this railroad as a sovereign remedy for all the evils here adverted to. I want no railroad over foreign countries, unless it be for temporary purposes. I am for an American railroad, to be constructed on American soil, by the enterprise and capital of the American people.

Sir, I have occupied more of the time of the Senate than I intended, but have abbreviated my remarks as much as possible. I have given a mere outline of ideas, some of which may not have occurred to honorable Senators. I now leave the subject in the hands of the Senate. I hope we shall have a vote on it speedily. I hope the bill will pass the Senate, even if it does not pass the House. Should it fail to become a law at this session, I hope the subject will be resumed at the

next, at the earliest practicable day. I have two years more, if my life is spared, to remain a member of this body, and if this measure is not now consummated, I will consecrate whatever energies I may have, and whatever ability I can command, to its prosecution at the next Congress. I have also to say to the honorable Senator from Texas, [Mr. RUSK,] who has so intelligently, patriotically, and ably advocated this bill, that I will then stand by him, and go with him, hand to hand and shoulder to shoulder, in efforts to carry through the Senate the proper legislation on this subject. I demand the construction of this railroad as a great American measure—as one which is called for by many weighty considerations—as necessary to enable this Government to exercise its proper functions in time of peace and indispensable to both sides of the continent in time of war, and as adapted in a high degree to promote the stability of our glorious Union, and the prosperity of the whole people.

THE GALPHIN CLAIM.

SPEECH OF HON. A. H. STEPHENS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

January 13, 1853,

On the bill to prevent Frauds upon the Treasury of the United States—in defense of Mr. Corwin—and the Galphin Claim.

Mr. STEPHENS, of Georgia, said:

The bill under consideration, Mr. Speaker, is reported by the Select Committee of this House appointed to investigate the Gardiner claim. I do not see any connection which it has with the business submitted to that committee. It seems to be before the House anomalously. I suppose it must have got here by unanimous consent. The committee certainly had no authority from this House to report it. So far as the bill, therefore, is concerned, I shall treat it as an independent measure before this House, as if reported by any individual, and I shall not connect its merits with the investigation of the Gardiner claim, for I see no legitimate connection between it and the subject referred to that committee for investigation. The bill, I believe, is in substance the same as one introduced into the Senate by a Senator from North Carolina, [Mr. BADGER.] In the remarks which I shall make upon its merits, I shall necessarily, in noticing the topics of discussion which it has given rise to, introduce some of the subjects which the gentlemen have alluded to in the progress of the debate. The gentleman from Ohio, [Mr. OLDS,] for instance, who, I believe, addressed the committee first upon this subject, and whose speech is reported for the first time in the Globe of this morning, seems to consider the report of this bill by that committee as confirming his original remarks in relation to the Secretary of the Treasury, Mr. Corwin. I do not so consider it. I do not consider that there is anything in the report of the committee which can justify such an inference. I take this occasion to state to this House that I think the investigation and report of that committee fully and completely exonerates the Secretary of the Treasury from that improper connection with the Gardiner claim which the gentleman from Ohio [Mr. OLDS] seemed to entertain the opinion or suspicion that he held. I notice the following in the report of the gentleman's remarks, and I shall be brief upon this point:

"Mr. Speaker, I will not say that at the time I offered the resolution calling for this committee of investigation, that I had not a settled conviction upon my mind, that Corwin must have known, or at least have strongly suspected, the fraudulent character of this claim. That conviction has not been changed, but greatly confirmed, by the evidence reported by the committee. But, sir, notwithstanding these convictions, I had no purpose of making any such charge in the resolution, knowing the utter impossibility of proving a man's thoughts or impressions. Nothing in the language of the resolution, or in *the remarks with which I accompanied the resolution*, can be construed into such a charge."

Now, sir, I have the remarks of the gentleman as made before this House, in which he says:

"Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passport to perpetual infamy. But Corwin still remains unwhipped of justice. True, sir, his catspaw and accomplice in the fraud is loaded with irons, and is branded by public sentiment as a perjurer and forger; but the master-moving spirit, the head and brains in the fraud, through the negligence of this House, is still permitted to control the Treasury of the United States."

Mr. OLDS. That is a quotation from a speech made in July upon entirely another question, in which I referred incidentally to the Galphinism of the country. It had no connection with this resolution whatever.

Mr. STEPHENS. These were remarks made by the gentleman in connection with this subject. Is he prepared now before the House to say that he takes this expression back?

Mr. OLDS. No, sir. I say that the remarks I made at the time I offered this resolution, show that I intended to make no such call upon the House for investigation.

Mr. STEPHENS. Then, if the gentleman does not take them back, or modify them, he should make them good. They were remarks made by him in this House and to the country before this committee was raised, as one of the reasons for raising the committee, though they may not have been made at the time the committee was ordered. Now, then, the gentleman ought either to sustain this charge before the House, or modify it. I must consider it as a part of the remarks made by him, which induced the House to raise the committee. This was the gist of the accusation. It is not my purpose at all to discuss the merits of the Gardiner claim; that is, whether it was founded in justice, or whether it was a fabricated fraud from beginning to end. That was not even before the investigating committee. I am free to state, however, from reading the report of this investigation carefully, I concur with the other gentlemen, that my impression is that it is fraudulent. But the subject referred to that committee to investigate, and which, so far as their report is concerned, is now before the House, is his (Mr. Corwin's) "*improper*" connection with the claim; because the very resolution offered by the gentleman, and passed by this House, stated that—

"Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been *improperly* connected: Therefore,

"*Resolved*, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connection of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly or indirectly, in said claim, and the amount paid, or stipulated to be paid therefor, and condition of such purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one fourth interest in said claim."

The only question, therefore, so far as the report of that committee is concerned, is, whether the Secretary of the Treasury was improperly connected with the claim of which there was a suspicion of fraud attached to it. That is the only question. Well, sir, does not this report of the committee, raised at the instance of the gentleman from Ohio, sufficiently show to us and to the country that there was no *improper* connection at all on the part of the Secretary of the Treasury with the claim? The gentleman from Ohio attempts to argue not; and the whole of his speech seems to be a sort of censure upon the committee that was raised at his own instance; at least it so struck me. He seemed to be grumbling at their conclusion. What is that conclusion of the committee on the real point in issue? Here is their language:

"No testimony has been adduced before the committee proving, or tending to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been or were to be procured to sustain the same."

The testimony before the committee shows conclusively that Mr. Corwin had no interest whatever in this claim after he became Secretary of the Treasury; and the committee say that there is no evidence showing, "*or tending to show*," that even as a private citizen, in his vocation as an attorney, he knew anything at all of the fraud. There is nothing, then, connecting Mr. Corwin *improperly* with the claim. But, says the gentleman, the committee have reported this bill. Now it is to that point that I wish to speak briefly, because this bill was not reported by any authority conferred on the committee, nor does it touch the case before them. I do not intend to let the gentleman escape in this way. I call the attention of the House to this fact, that if Mr. Corwin, as Secretary of the Treasury, had been improperly connected with this claim—as was intimated in the original charge—there would have been no necessity at all for any special bill to reach his delinquency.

Sir, the founders of our Government, in one of the first acts passed by Congress, after the organization of the Government, sufficiently protected the Treasury of the United States in this particular. If Mr. Corwin acted improperly, you need pass no new law for others; you can now prosecute him, and visit upon him the punishment he deserves; you need not let him pass from defect of the law. I call the attention of the House to the act creating the Treasury Department in 1789, to show that there is no necessity for this bill to meet any future case similar to that then before the committee. I read the eighth section of that act:

"SEC. 8. *And be it further enacted*, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea-vessel, or purchase, by himself or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any *public securities* of any State or of *the United States*, or take or apply to his own use or emolument or gain, for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of $3,000, and shall, upon conviction, be removed from office, and forever thereafter incapable of holding any office under the United States," &c.

Sir, if Mr. Corwin, as Secretary of the Treasury, was "improperly connected" with this claim against the Treasury, as charged, here is a law of the country that has been in existence since 1789, under which you can proceed against him, and by which you can not only displace him, but disgrace him forever. If, therefore, the committee undertook to recommend this bill to meet Mr. Corwin's case, I beg to inform them, and the gentlemas from Ohio, that their work is but an act of supererogation. Here is a law quite sufficient for them or him to act upon. My object, sir, is to disconnect this bill, upon which I intend to speak hereafter, entirely from the matter and case referred to that committee. But I wish to premise a few remarks upon the facts reported by that committee, and which have been commented on in the debate.

Now, Mr. Speaker, these facts are, that Mr. Corwin, while he was a *Senator of the United States*, was employed as an attorney before the Board of Commissioners to adjudicate claims against Mexico in behalf of Gardiner, a claimant, and that he also took an interest by assignment in his claim. These facts are admitted. The gentleman from Tennessee, [Mr. JOHNSON,] argued yesterday that it was *malum in se;* that it was *wrong in itself* for a member of Congress to appear as an attorney for fee or reward before any such tribunal. Is that gentleman right in that position? If he is, Mr. Corwin did something wrong in itself, and deserves censure. If not, he is certainly above the reproach of even the most fastidious in what he did. Let us refer to our history on this subject. Every gentleman who hears me knows that it is usual, and has been from the beginning of this Government, for Senators and members of the House to appear as counsel for fee and reward or compensation before the Supreme Court of the United States, to appear before any of the courts of the Union, and before commissioners appointed to adjudicate claims similar to these—before just such tribunals as this was. Nay, more; I believe that even anterior to our Revolution, Dr. Franklin did not consider it *malum in se* to receive fees and act as agent for several of the colonies before the proper departments of the Government of the mother country—Great Britain. He was the regular agent, first of Pennsylvania, then of Massachusetts, and of Georgia, perhaps others of the colonies. I maintain, therefore, that there is nothing in the thing itself which, by the general consent of our countrymen, even the wisest and the best, is, or has been considered, wrong in acting as counsel or attorney, or agent

for proper compensation in such a capacity. I believe it is a historical fact, that after the Jay treaty, there was a commission instituted for the adjudication and settlement of claims provided for in that treaty, and that the ablest attorneys in the country at that time, appeared before the board thus constituted—amongst them members of Congress.

Again, at the close of the last war with England, under a convention, a similar board was constituted. The celebrated Mr. Pinkney, of the State of Maryland, a distinguished member of this body—an honor to his State, an honor to his country—a man whose eloquence was perhaps never surpassed—a man whose integrity never was questioned, so far as I know,—he, sir, appeared, as I am informed, before that commission and argued important cases as attorney for parties in interest. Who ever heard his conduct questioned? Who ever heard an imputation cast upon his character, for thus advocating the rights of those who sought the aid of his legal counsel? I give him as one instance amongst others. But further still. I have a paper before me from which it appears that the Hon. George M. Dallas, while he was Vice President of the United States, received fees for prosecuting, with others, a claim before one of the Departments,—others were engaged with him in the same case, members of Congress of the highest character and the strictest purity. How can men thus employed be said to be employed against the Treasury of the United States? In most instances, the only question is, who among several claimants shall receive a particular fund?

But, sir, I come down even to this very tribunal before which Senator Corwin agreed to appear as counsel. He was not the only member of Congress who appeared or agreed to appear there as counsel. And if there was anything *improper* in his connection with it, was it not so with other members of Congress? Mark you, I do not allude to these facts by way of casting imputations upon any of the gentlemen whom I shall name, but I do not intend, sitting here in this Hall, to permit a false impression to go before this country, or that Mr. Corwin, who is a distinguished lawyer, shall be made a scape-goat of by any gentleman upon this floor. Mark you, that the whole charge *sustained* is, that Mr. Corwin, *while a Senator*, was employed by Dr. Gardiner to represent his claim as one amongst other *lawyers* before the Board of Commissioners. For the testimony is conclusive that, perhaps, knowing the statute of 1789, which I have read, if from no other consideration, he disconnected himself from that relation before he assumed the position of Secretary of the Treasury.

But the gentleman from Ohio [Mr. OLDS] says that the transfer of his interest was all a farce. Well, if so, the issue is between him and his committee. They do not report that it was a farce. that it was *an unconditional transfer* of all his interest in the claim. I am bound, therefore, so to consider it. Well, then, sir, was Mr. Corwin the only distinguished Senator who appeared as counsel before that Commission? I have not seen the docket, but I speak from information which has been communicated to me, and which I have no doubt is correct. I am informed that the honorable Senator from Missouri [Colonel BENTON] appeared in a case there. I am informed that the honorable Senator from Louisiana [Mr. SOULE] appeared in a case there. I believe that the honorable Daniel Webster appeared as counsel there in two cases. The honorable Mr. BRIGHT, a Senator from Indiana, appeared there also in four cases, as I am informed. Whether those gentlemen appeared for fee or reward, I do not know. I come now to this House; and mark me again, that I do not intend to cast any imputation upon any gentleman, because I do not consider myself that there was any wrong in it. There was no law against it, and it had been the custom of the country from the beginning for men holding such positions to act in such capacity. But I am informed that the honorable Mr. HOWARD, of Texas, appeared before that Commission in behalf of some claimants. The honorable Mr. EWING, of Tennessee, who was then, but not now, a member of this House, appeared there as counsel, or represented some party, as I am told. The honorable Mr. PHELPS, of this House, did the same thing.

Mr. PHELPS. The gentleman from Georgia is mistaken in relation to that matter.

Mr. STEPHENS. Well, sir, I shall be glad to be corrected. I only speak from information received from others, as I have stated.

Mr. PHELPS. Permit me, then, to make a brief statement. When the Mexican Commission assembled, one of my constituents handed me his memorial, with the request that I would send it to the Commission with the proofs accompanying it. I did so send it. My constituent then desired me to appear before the Commission, if necessary, and attend to the case. Action was had upon the case, but I never appeared before the Commission. I only inquired of one of the Commissioners what action had been had upon it. I received no compensation for it whatever. I attended to the business as I would attend to any other business of my constituents. But I did not appear as counsel in the case.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman from Missouri this question: Did you ever receive any compensation for your action before this Commission?

Mr. PHELPS. I did not appear before that Board at all, nor did I receive any compensation for filing the memorial.

Mr. HOWARD. As the gentleman from Georgia has mentioned my name in this connection, I desire to state that two constituent s of mine sent cases to me which I filed before the Board. I presented them, however, without having exacted or received any compensation.

Mr. STEPHENS. Then I understand the gentleman from Texas did appear before the Board, but received no compensation for it.

Mr. HOWARD. I will state that I received petitions and papers made out, some of which I corrected, and one petition I redrafted, signed them The witnesses are unimpeached, and they swear as counsel, and presented them before the Board, but I never received any compensation nor charged any. I have never charged or received any pay for business to which I here attend to before the Departments.

While I am up, however, I will state that I do not myself consider an appearance before such a board as anything improper in itself. I agreed to this report, however, because I think it is better for the representatives and the country that members of Congress should not appear before such commissions, and not because I considered such an appearance as anything improper in itself. I shall take occasion to state my reasons for this opinion before the debate closes.

Mr. STEPHENS. What I was informed, then, is true, that these gentlemen did act as counsel before this Board. Mr. PHELPS did not appear before the Board in person, because it was not necessary; but as the papers presented by them were for constituents, they did not charge or receive any compensation for their services. On that point, as I stated, I was not informed as to either or any of the gentlemen named by me.

Mr. PHELPS. I did not appear before the Board at all. I merely handed in the papers.

Mr. STEPHENS. The gentleman did not appear, because it was not necessary. I presume there is no question that neither of these gentlemen received any compensation for their services. But the gentleman from Texas very correctly states, in my opinion, that it was nothing unusual or improper in members of Congress in appearing before such a board as counsel for compensation.

Mr. STANTON, of Tennessee. Will the gentleman allow me to make a statement?

Mr. STEPHENS. Be brief.

Mr. STANTON. I do not know whether the gentleman from Georgia has my name as appearing before this Commission or not, but I did appear there, in one case for a constituent of mine, who employed me as his counsel, and paid me for it. I drew his memorial, and presented it before the Board. I did not think the Commission allowed him half as much as he was entitled to, but he paid me in accordance with his own proposition.

Mr. STEPHENS. I did not have the gentleman's name; and it is very possible other members of Congress appeared about whom I have no information.

Mr. STANTON. I will state further, Mr. Speaker, that I have attended to business for my constituents and others, a thousand times, and never received a cent for my services, and never would receive a cent, although money has been repeatedly offered me.

Mr. STEPHENS. It seems, then, that the two gentlemen, Mr. HOWARD and Mr. PHELPS, happened to have the papers of constituents, in consideration of which, they did not charge them for their services; but if the papers had been presented by others, according to the statement of the gentleman from Tennessee, [Mr. STANTON,] and of the gentleman from Texas, [Mr. HOWARD,] they would have considered it nothing improper to have appeared before that Commission, any more than to have appeared before the Supreme Court as counsel.

Now, my point was, to show from the whole legislative history of the country, that such a connection has never been deemed improper, that there is no legislation against it. This I think I have established. The only Department of the Government in relation to which such a connection is prohibited by law, is that of the Treasury. That is the only Department in which public officers are prohibited from holding such a relationship. In the War Department there is no law against either the head of it or any subordinate being interested in a claim, or prosecuting a claim pending before the Treasury. In the State Department there is no such prohibition, or in any other Department. Here, and in this connection, I beg to call the attention of the House to the investigation which was had in 1837, before the memorable committee of Mr. Wise. You recollect, perhaps, that amongst other charges of impropriety preferred by Mr. Wise, was, that the heads of some of the Departments were speculating in the public lands, and with having interest in, and with prosecuting claims against the Government. The position of General Jackson, and of the party then in power, of which he was emphatically the head, was, that *there was no law against it*, and that if the head of any of the Departments, except the Treasury, or any of the officers of the Government, had a claim against the Government, or was disposed to invest his money in speculating in the public lands, that it was no well-grounded charge against the integrity of such officer. I have the report of that committee before me, with the remarks of Mr. Wise upon it. These papers, I think, fully sustain this position.

The Secretary of State was charged at that time with being largely interested in a land company in the State of Alabama. Witnesses were put upon the stand and questioned as to that fact. The question was so modified and restricted as to make the witness answer whether the Secretary of State had been interested in any land speculations "contrary to law." There was no law against it, and the question was not permitted to be propounded touching the matter without this modification. The inference was clear that he was, or if he was, that it was his legal right to be so interested.

Well, sir, with this distinct allegation as to the Secretary of State, what said General Jackson to this committee? "If you are able to *point to any* 'case where there is the slightest reason to suspect 'corruption or abuse of trust, no obstacle which I 'can remove shall be interposed to prevent the 'fullest scrutiny by all legal means." This he said to Mr. Wise. He had specified the speculations of the Secretary of State in public lands. But that was no case of "corruption and abuse," in the opinion of General Jackson, because it was not against any law.

General Jackson held that there was no corruption in the charge, if true, because there was no law against it: and his friends in this House on the committee would not allow the question to be put.

And I say, sir, you must first define crime before you go hunting criminals. You must first proclaim by law what is wrong, and what you intend to hold up to public odium, before you can hold Mr. Corwin, or Mr. Anybody else, up as a public malefactor for breaking your law. Your law must first be made and published. Where there is no law, there is no transgression. Therefore you cannot rightfully charge the Secretary of the Treasury, as a Senator of the United States, with being "improperly" employed as counsel before the Board of Mexican Commissioners,

which is the issue in this matter, until you declare by law that a Senator shall not be so employed, and until he then shall have rendered himself obnoxious to the provisions of your law. When all this takes place, his conduct will fall within the range of those acts which are called "*mala prohibita*," and not even then within that class denominated "*mala in se*," unless there be positive corruption.

But, sir, there is another matter brought into this discussion, to which I beg the indulgence of the House for a short reference to.

The investigations of Mr. Wise's committee were connected with other matters besides speculations in land, and one of which has been alluded to in this debate. It was freely admitted by the then Secretary of State—Mr. Forsyth—that he had been employed as attorney, and was so employed while Secretary of State, to prosecute against the Government what is well known as the Galphin claim. General Jackson knew, and the country knew, that Mr. Forsyth admitted this. It was not denied. He was Secretary of State, and admitted the fact before the committee. Here is his evidence. Yet no one censured Mr. Forsyth; and no one then dared to impugn his honor for it. That then and now stands above reproach—because it was his legal right to do so. The Secretary of the Treasury was by the law of 1789 prohibited from prosecuting or becoming interested in claims against the Government. But, as I have said, there is no law prohibiting this in the heads of the other Departments. Now, I beg the indulgence of the House, by way of digression, to allude somewhat to this claim, which others have associated with "Gardinerism," as they call it. I addressed a former House upon the same subject. But there are many here who I doubt not know but little of its merits. The gentleman from Ohio, [Mr. OLDS,] in his speech, alludes to "Galphinism," or the "Galphins." He says, that after the decease of the lamented Taylor, when Mr. Fillmore entered this Hall to take the oath of office, followed by the Cabinet of General Taylor, Corwin heard the murmur from the galleries, "There come the Galphins," which reached every part of the Hall.

Well, sir, the gentleman may have heard such a murmur, but I did not, and never heard of it until I saw it in his speech.

Now, sir, I intend to say something on this Galphin claim. Gentlemen may, if they choose, continue to cry out Galphin fraud; but they shall not do it without the exposure which is due to the truth, as well as right and justice.

Mr. Speaker, I am here to-day to defend that claim against any one who may be bold enough to assail it. I hold myself ready to say and maintain that there was no fraud in the Galphin claim. I saw this claim alluded to in a paper the other day as the "Galphin swindle." Now, Mr. Speaker, I ask this House to hear, not as partisans, what I have to assert in vindication of the truth in this matter. I feel it my duty to do it, in vindication of people whom I know, descendants of Galphin, and men who under him have received their just rights—rights which were long delayed at the door of public justice. Some of these gentlemen reside in the State of Georgia and some reside in the State of South Carolina—as high-minded, honorable and chivalrous men as ever trod the face of the earth; men who would scorn to take a dollar from the Government which was not justly their due. Some of these parties I know—and I will vindicate them, and I will vindicate the truth of history, whenever they or their conduct in this matter are assailed or maligned. There was, sir, no fraud in the Galphin claim. In the maintenance of what I say, I shall assert facts and nothing but facts, which are uncontroverted in the past and incontrovertible for all time to come. And when I am done, I want to see the man rise up here in the face of these facts and say that there was fraud in the payment of that just debt.

These are the facts: In 1773, the Cherokee Indians and the Creek Indians in the State of Georgia, were indebted to certain traders to a considerable amount of money. They had nothing to pay it with. This was while Georgia was a British colony. These Indians agreed to cede to the Crown of Great Britain a certain amount of land—two millions and a half of acres, or thereabouts—in consideration of which Great Britain was to take the lands and discharge their debts to these traders. The treaty was made in 1773. On the 2d May, 1775, a certificate was made out by commissioners appointed according to the treaty, to George Galphin for £9,791 15*s*. 5*d*. The war of the Revolution broke out in 1776. The land was not sold by Great Britain, nor the debt or any part of it paid; and in 1777, Georgia took possession of the lands. She gave them as bounty to the soldiers who would go and occupy them. She used them in our national defense in the war of the Revolution; and George Galphin in that day, did your country and the infant colony of Georgia most essential service in preventing the Indians from making inroads upon the defenseless inhabitants of that unprotected frontier.

I speak from history and the records of the country—Galphin was true to the cause of his country and her struggle for independence. And I state here, that the only section of our State which was not at some period of the war taken by the British, was where settlements were made on those lands, in the county of Wilkes. There the British flag has never waved since the declaration of independence. Nay, more; a fort erected by these settlers, bearing the name of Washington, on the site of the present town of Washington—the name continued from that day to this—was the first place, as I believe, on this whole continent, named in honor of the Father of his country. This, I say, I believe. I do not state this as a historic fact; for there may have been some place so called at an earlier date; I think not, however; and until the contrary be shown, I shall claim this honor for my State, and the people of the county of my birth.

But to proceed with my narrative. The State of Georgia, in 1780, passed an act binding and obligating herself to pay to any of those Indian claimants who were true to the country, the whole amount awarded to them by the commissioners under the treaty, and for which the lands were bound in equity and good faith, with interest at six per cent. George Galphin was one of them. By her act she assumed this debt of Galphin for £9,791 15*s*. 5*d*., with interest at six per cent. per annum. Did not this solemn act create a just debt? But Galphin died in 1780, very soon after the act passed.

Sir, George Walton, a signer of the Declaration of Independence, from the State of Georgia, testified himself, in 1800, that he knew George Galphin; that "he enjoyed his friendship in his lifetime;" that he was a patriot, and had rendered essential services to the country. Mr. Walton further stated that he was on the committee in the Georgia Legislature that framed the law of 1780, providing for the payment of these claims; that he was chairman of that committee; that he drew the act, and well recollected "*its motives, its sincerity, and its intention of justice*," and that it was an honest debt, due to that "venerable man." Did George Walton want to "*swindle*" anybody? Did George Walton *plot fraud against your Treasury?*—George Walton the man who risked his life for the liberties you enjoy? Was he sneaking about to get his arm into the Treasury? Sir, he was made of sterner stuff, and you may howl against the Galphins as long as you please, but while I stand upon the testimony of the man who stood by this country in its darkest hour, I shall feel no dishonor in defending the rights of that man whose friendship he enjoyed while living.

I say there never was a juster claim against the State of Georgia than this. She pledged to him the amount of his debt, which was £9,791 15*s*. 5*d*. in sterling money, and six per cent. interest. Well, the old man died a month or two after—the venerable old man, as the patriot Walton called him. I saw some time ago a toast given at a dinner, with this idea—that the history of this Administration would be written in the blood of the Galphins. And who, sir, was Galphin? He was one of the most distinguished men living on the frontiers of your country, a man who stood by the patriots who won your liberties and achieved the independence of your country. I state further that his daughter was married to John Milledge, of Georgia, a man whose name the capital of our State still bears in the city of Milledgeville, and we do not feel dishonored by this perpetuation of the name of a man who was thus connected and allied with George Galphin? And whoever wants the history of this Administration written in the blood of the Galphins, wants it written in the blood of some of the purest and noblest men who periled their all for the rights and liberties of their country.

Now, sir, this claim was presented to the Legislature of the State of Georgia in 1793 by his son. The committee to whom it was referred, reported in favor of it. And it was presented to several Legislatures after that up to 1826; but it was not paid, though almost every committee to whom it was referred reported in favor of it, as a just debt against Georgia. Do you ask why it was not paid? I will tell you, in my opinion, simply because they did not have the money. For the same reason, I fear that most of our States will fail to pay their debts when the question shall be between refusal and very high taxation.

Well, why was it presented here? I will tell you. In 1790, the General Government passed what is known as the assumption act. That is, the General Government brought into a general account the contributions of each State, either to the general defense, or the particular defense of the common country, during the common struggle of the war for our national independence. At this time Galphin was dead, and Georgia had not paid this £9,791 15*s*. 5*d*. She had pledged herself to pay for the lands she had taken possession of and disposed of, but she had not paid the debt, and did not bring it into the account on the settlement under the assumption act of 1790. The settlement under the assumption act was thought for a long time in Georgia to be a final settlement, and that she could not go behind it. Well, in 1832, the State of Virginia came before Congress, and presented claims to a large amount under these circumstances: She stated that during the war of the Revolution she had by law promised to pay to certain officers in her State line raised for her own particular defense, certain annuities for life, upon certain conditions set forth in an act of her General Assembly. A number of these officers insisted that they had complied with these conditions, and claimed their compensation according to contract. She had resisted these claims for a long time, but finally her courts, which were open against her, had decided in favor of the claimants, and judgments to a large amount were rendered against her, and the State then came and asked Congress to reopen the assumption act of 1790, or at least to pay these claims, upon the principles of that act; because she said that her liability to these officers was of the same nature as the advances for the particular defense that she had made, and which had been brought into the account under the assumption act of 1790. Congress, in 1832, assumed the liability and paid it; and in doing that, Congress did right; because Virginia, in 1790, did not know that she was liable, or would be liable for those claims. You paid under that act nearly a million of dollars, perhaps more.

Now, then, the representatives of Galphin came and asked the General Government to pay them £9,791 15*s*. 5*d*., with interest at six per cent.; which was the liability or debt of Georgia, incurred for the particular defense of that part of the common country not included in the act of 1790, just as they did the Virginia claims, and identically upon the same principles of equity and justice and right. In 1836, the Senate passed a resolution requesting the President of the United States (General Jackson) to write to the Governor of Georgia, to get all the information in his possession upon the subject. In January, 1837, General Jackson so wrote; and Governor Schley, of Georgia—a political friend of General Jackson—answered the inquiries soon after, and amongst other things, said, "*that there is justly due to the 'heirs of George Galphin the sum of nine thousand 'seven hundred and ninety-one pounds fifteen shillings 'and five pence sterling money of Great Britain*," &c., '&c.; "*and the only question now is, whether Georgia 'or the United States ought to pay the money.*" The claim, like many others, remained for several years; but in August, 1848, Congress passed a law requiring the Secretary of the Treasury "to examine and adjust" it, and "to pay the amount 'which may be found due to Milledge Galphin,

'executor of George Galphin, out of any money 'in the Treasury not otherwise appropriated;" and in pursuance of that law the principal and interest of that debt were paid. That, sir, is Galphinism!—its height, its length, its breadth and depth. There it stands in all its naked deformity. Look upon it, examine it, scrutinize it, and tell me where is the "*swindle*," and who have been the "*swindlers*." When the case was last presented to Congress, whose hands was it put into? Into the hands of George McDuffie, of South Carolina. Who presented it? George McDuffie! Did he want to commit a fraud against your Treasury? Was he a swindler? It went before a committee, and who constituted that committee? Messrs. Ashley, Breese, Berrien, Westcott, and Webster. They made a report to the Senate, and spread it before the country in 1847. The bill passed the Senate. There was no formidable opposition, because the grounds upon which it was presented and sustained were too clear, as I believe, to be avoided. Here was the act of Georgia obliging her to pay that debt—as solemn a debt as ever was contracted. It was for particular defenses, and was put upon precisely the same grounds of assumption as the Virginia claims, and no one could escape the force of the reasons.

In 1848 it was before the same committee in the Senate. That committee was composed of the same gentlemen who constituted the former committee, with one or two exceptions—a committee of able and practical men. They reported again in favor of it. Were they the "Galphins" who perpetrated this monstrous fraud? The distinguished Senator from Michigan, [General CASS,] when Secretary of War, said that there was no doubt but that the claim was just, and the only question was, which should pay it, Georgia or the United States. Was he one of the swindlers?

Early in 1848, the bill came into this House, and was laid upon your table. The report was printed, and the case referred to a committee of this House. I have before me the names of that committee, and they are all honorable men, and unimpeachable. One of the gentlemen upon that committee (Mr. Pettit) is nominated by his party, I see, to be a Senator from the State of Indiana. Was he a swindler? Did he think it was a great fraud? Was he trying to cheat the public? Is he one of those with whose blood it is the desire of some to write the history of this Administration? Do you want to write the history of the Administration in the blood of General Cass, of Mr. Forsyth, of Governor Schley, the blood of the Judiciary Committee in the Senate, and in the blood of the distinguished individual to whom I have just alluded? Are all these men Galphins? I believe the gentleman from Ohio said that they, the "Galphins," were buried so deep, that the hand of resurrection would never raise them up. But the Democracy in Indiana, it seems, has imparted new life to one of them—has "*galvanized*" him, at least, by sending him to the Senate.

I heard a gentleman inquire how this Galphin claim passed through this House. I say it passed this House by the unanimous vote of every man in it, when any one man's voice could have prevented it. It stood upon its own merits. No speech was made in its behalf. It had no advocate but the plain, short, strong argument of the committee. Their printed report lay upon your desk for six months. It was taken up and acted upon at a time when no bill could pass, that did not receive the unanimous support of every man in the House. Your Journal shows this fact. It passed in August, 1848. Were all in this House then Galphins? It was passed, and carried to Mr. Polk for his signature. Did not he understand all about Galphin? Was not Mr. Forsyth a feed attorney, and did he not prosecute it while Secretary of State under Jackson? Did not Mr. Wise report then, that this Galphin claim was about $150,000? Was not Mr. Polk, as Speaker of this House at that time, conversant with all these facts? It is to be presumed that he was. At any event, he signed the bill two days after it passed. Is he, too, one of this famous family of the Galphins? Mr. Walker, his Secretary of the Treasury, paid the principal, but did not pay the interest, because, as he stated in his testimony, he did not have time to investigate that point. But he said—and mark it—that whatever Galphin's *debt* was, this Government, by the act of 1848, had assumed it fully. The act of Georgia of 1780, pledging to Galphin £9,791 15*s.* 5*d.*, with interest at six per cent. per annum, was not before him. But who can say, with that act before him, he would not have paid the interest according to his testimony? For he said, whatever the *debt* was which was due to Galphin, the act of 1848 had assumed. And who can say that £9,791 15*s.* 5*d.*, with six per cent. interest, was not due to Galphin by the act of Georgia of 1780? If any man is bold enough to do so, let him do it. My time will not permit me to discuss this subject at any greater length, and I trust the House will pardon this digression.

What I have said I have stated for the House and the country. The facts, as I have stated, are uncontroverted in the past, and will remain incontrovertible for all time to come, and I defy their controversion here or anywhere.

I am here to resist all party clamor that may be brought against this claim. I suppose that many of these expressions, such as "Galphins," by party heat, emanate from partisan feelings, and without any distinct or definite idea of what are meant by them. But I say that the character of every man should be defended by those who love truth and justice. The character of the humblest, alike with the character of the highest, shall, at all times, receive defense from me, when I can defend it. I care not if the name of wrongful accusers is legion, I will face them all, if necessary. I do not care to join with the shouting multitude barely because they are strong in numbers. I do not fancy the taste of those who play upon expressions because they catch the popular cant or whim of the day. It is an easy matter to pander to the passions or prejudices of the uninformed?

Sir, this is the "*facilis descensus Averni*," the downward road of the demagogue. It is easy to travel it, and, to some, it seems to be a pleasant jaunt; but to vindicate the truth, to stand up for the right against the majority, "*Hic labor, hoc opus est.*" I shall do it, or attempt to do it, sir, though I be a minority of one.

I have nothing to say, at this time, about the connection of the then Secretary of War with it. Mr. Crawford was interested in the claim, and was Secretary of War when the interest was paid—that is all. I will, however, ask, when the offer was made to have the justice and legality of the allowance referred to the Supreme Court of the United States, who prevented it? The Senate Journal will show.

Did they want to commit a fraud upon the Treasury? Was Mr. BUTLER, of South Carolina, Mr. ATCHISON, of Missouri, Mr. TURNEY, of Tennessee, and a number more whom I need not name, were they all Galphins? But I am done with this; and I am also done with the matters alluded to in the report of the committee on the Gardiner case.

I have shown that that committee fully acquitted Mr. Corwin of the charge of being improperly connected with the claim, and that this bill has really no connection with the duty assigned to them.

This bill, with amendments, I intend to vote for; but I shall not vote for it as it is, because, under its provisions, any member might be put in the penitentiary for going down to the Pension Office and filing the memorial of any of his constituents for a bounty land warrant. With amendments which shall prevent members of Congress from attending to such business "for fee or reward," I shall vote for it. I am in favor of such a prohibition in future, not because there has been anything dishonorable, disreputable, or corrupt, or "*malum in se*" in such acts, and not because I think that Messrs. Dallas, Webster, Benton, and Stanton, or Corwin, did anything wrong in what I have stated, for I do not, but because I think that we should establish a rule for the future by which honorable men can act so as not to subject themselves to unjust imputations. The bill thus amended would, if even made retrospective, never touch any act of mine. But I make, however, no boast of that. I have never looked upon such acts in others as at all disreputable, much less as grounds of charging corruption. I think it wise and proper that such a regulation should be made. And why? Because honest, unimpeachable men, such, in my opinion, as Webster, and Corwin, and others acting in that capacity, may be a sort of cloak for those who may be unscrupulous and corrupt.

Mr. STEVENS, of Pennsylvania. As the gentleman intends to vote for the bill, which it is almost treason to say is an impeachment upon the whole House, I would inquire whether he intends to extend its provisions to prevent members from advocating cases before the Supreme Court of the United States; and if he does not, why does he make the distinction?

Mr. STEPHENS. I shall vote for that, but I do not know whether it will be incorporated with the bill or not. I will state candidly to the gentleman, as I did in a conversation on this matter with a distinguished gentleman yesterday, who said that he thought it proper not to extend the prohibition to the Supreme Court, that I think the prohibition should extend to members of Congress practicing in that court, as well as before boards of commissioners—and why? The impeaching power is with the House of Representatives, and the trying power with the Senate; and I ask what kind of influence would be more powerful than Congressional influence upon a judge who felt guilty, and knew that an impeachment was to be made? Would he not favor a distinguished member of Congress who was counsel in a case before him for trial, quite as much as a member of a board of commissioners? I will, if possible, vote for the extension of the provisions of this bill to the Supreme Court. If I cannot get that, I shall vote for the bill in the best shape I can get it. I am for establishing a rule by which every one can regulate his conduct, and then right and wrong will not be left to the capricious judgment of friend or foe. Let it be written in the law, and then all can equally stand or fall by the law, and not the uncertain standard of men's opinions.

[In the progress of the debate Mr. STEPHENS having repeated his *belief*, from the disclosures, that the Gardiner claim was wholly unfounded, but that the matter was undergoing judicial investigation before the proper courts, Mr. JOHNSON, of Tennessee, inquired of him if the proof of its being a fabrication was not so conclusive as to cause the President to institute suits for the recovery of the money and prosecutions for forgery and perjury, &c.; and whether Mr. STEPHENS would say that Mr. Corwin, if these cases should be decided against Gardiner, would repay what he had received from the Treasury of the United States.]

Mr. STEPHENS. I will answer the gentleman. I admit that the President has done what he said, and it is a fact that he did it long before this clamor in the House was raised. The President had this man arrested under a suspicion that reached him, I think long before the gentleman from Ohio [Mr. OLDS] moved in the matter. The President upon suspicion did it, and he did right; and this committee, of which the gentleman from Tennessee [Mr. JOHNSON] is a member, knows and reports that the President has been vigilant—and the papers in the report show that Mr. Corwin too has been active and vigilant in getting at the truth of the matter. I grant these facts, and I state them because the case is now pending and is yet to be tried. The President has been vigilant, Mr. Corwin has been vigilant, and am I to be asked what he will do in anticipation of that judgment?

Mr. Gardiner, it is true, was put in prison. He has given bail; he has found sureties; he says that he will vindicate his character. Is Mr. Corwin, or any one else, to prejudge him? I never believed much in those Mexican claims when we went to war to get them; when we were told that there were six or seven millions of them, that we ought to go to war to make Mexico pay them. I thought then that they were most of them nothing but batches of fraud. But I will do justice even to a Mexican claimant. I will not prejudge his case. Let him come into court. I, as a grand juror, say that I believe the suspicion is a strong one that his claim is a fraud. But he shall or should have his day in court before he is condemned. He claims the opportunity of vindicating himself, according to the laws of the country, and according to the treaty, and he should have it. My opinion is, that he will not do it. Mr. Corwin's opinion is, doubtless, that he will not do it. The President is of the opinion, I imagine, that he will

not do it; and hence they institute these proceedings against him. But I will not crush even a worm; bad even as I believe Gardiner to be, I will not prejudge him, nor denounce Mr. Corwin in anticipation of his act, depending upon a future judgment in court. Now, the gentleman says, suppose Gardiner shall be found guilty by this court, would I defend Mr. Corwin for holding this money? I do not consider that the evidence discloses that Corwin has received one dollar of this money from the Treasury of the United States. The testimony is, that he did buy what he thought was a good title, and sold it without warranty, with a quit-claim. That is a matter between him and his assignee. Mr. Law, or some one under him, it seems, got Mr. Corwin's interest in it.

But my opinion is, that when the case in court is proven to be fradulent, if it shall be so proven, that the same vigilance which arrested Gardiner ought to pursue every man who holds a portion of it; the one fourth stands on the same footing as the other three fourths. I have no reason to doubt that Mr. Corwin would be just as vigilant, and the President would be just as vigilant, in ferreting out the one as the other. I do not care in whose pocket it is to be found. How Mr. Corwin will act towards his assignee I do not know. Whether he will feel under obligation to make good what he sold without warranty or condition, I do not know And it will be time enough to moot the propriety of his conduct in this matter after the case shall be found by the court to be fradulent, if that shall ever be, and after George Law, or his assignees, who got the money, shall fail to respond.

RAILROAD TO THE PACIFIC.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE SENATE, *February 5 and* 17, 1853.

The bill reported from a Select Committee for the construction of a Railroad and Telegraphic line from the Mississippi Valley to the Pacific Ocean being under consideration,

Mr. BELL said:

Mr. PRESIDENT: The Senator from South Carolina [Mr BUTLER] has made a very forcible, but I hope not a very formidable attack on this bill; and in rising to answer some of his objections, I do not suppose that I shall be able to dispose of all of them in the order in which he has presented them, because that I know would be impossible; for shape a proposition of this kind in what manner you may, there will be not only plausible but strong objections to be urged to it. This bill partakes of the character of everything else in legislation, and everything that is human. It is imperfect, and so will be found any plan that can be devised by the most ingenious and able gentleman on this floor, when he shall undertake to put together the various parts of a measure of this description. The Senator from South Carolina has denounced this bill as in the first place unconstitutional—as a violation of our organic law; and he is therefore opposed to it. He has denounced it as premature. He has announced, in as strong terms as he could, that we have no sufficient lights before us to guide our judgments in sustaining such a measure as this. He has denounced the plan before the Senate as an undigested one, with conflicting provisions. He has denounced it as merely experimental, and says that we have nothing to assure us that this great work is practicable. He has denounced it as a stupendous monopoly if it shall go into operation and be successful; and, what I think is somewhat conflicting with his own arguments against the measure, he has said that if it be a failure, though it may prove to be no monopoly and of no profit to a company, the expense will fall exclusively upon the United States. In how many other forms he has denounced it I do not remember, and I will not take time to look at my notes, in which I attempted to sketch them down.

Now, Mr. President, I am in favor of this road. I am in favor of commencing its construction at an early day. Is the honorable Senator from South Carolina in favor of it at all? If he be not in its favor, then we cannot stand upon equal grounds, either in assigning reasons for its support, or in answering objections that are interposed against it. But I ought to have stated that the honorable Senator sounded the alarm-drum of party prejudices; and in connection with his other objections, he appealed to his Democratic friends to recollect their obligations, to be found in the platform adopted by that party. He appealed to the prejudices of those who have stood in this body for years contending against a system of internal improvements by the General Government within the limits of the States, and he proclaimed that this bill was carrying out such a practice and such a policy on the part of the Government of the United States. From all these considerations, I take it for granted, therefore, that the honorable Senator is opposed to any bill of this kind; that he is not only so opposed now, but that he must remain so until the Constitution is amended. It is true, he has said that under the provisions of our present organic law, this Government has a right to make a military road through the Territories of the United States; but I would ask what, in these days of progress, is a railroad but a military road? If we have a right to construct a military road, to what great purpose would it inure, at this day, if it were not a railroad?

Suppose it was necessary in time of war to send troops and munitions of war and other army supplies across the continent, over the Rocky Mountains and the Sierra Nevada, for a distance of two thousand miles, what use at this day would an ordinary military road be—I mean a road by which you would have to drag cannon up the sides of the mountains and let them down on the opposite sides, pack your provisions on mules, or draw them with oxen through the narrow passes? That would be what is generally considered a military road, and the honorable gentleman thinks he has no objection to such a road as that! Such a road would be behind the times. According to his own argument, I would ask the honorable Senator what is a railroad but a military road? If the honorable Senator will reflect upon the objection, I think he will see that he will be obliged to with draw his opposition as to the constitutional power, so far as it is proposed to run this road exclusively through the Territories of the United States.

Mr. BUTLER. My friend from Tennessee will allow me to make one remark in this connection. I have never gone further than to say that I would be willing to vote for a reconnoissance and survey, to see whether a military road could be made. I do not know that, after we should have that reconnoissance and survey, I would deem it to be a matter of policy to construct such a road.

Mr. BELL. I remember the honorable Senator did make some such qualification, but he seemed to doubt whether we could construct even a military road over these mountain passes. But I am traveling out of the order of the remarks that I designed to make. It occurs to me that there is one method of argument which will prove the most effective answer to the Senator, and that would be to trace the history briefly of this proposition to construct a railroad to the Pacific, from its inception to the present time. I have stated before, that I am in favor of such a road. I am not wedded to the particular mode or form of construction which is provided in this bill. If I cannot find a majority of the members of this honorable body concurring in this proposition, I am willing to take what, in my judgment, may be an inferior one, in order to get something which will answer the great purpose—I mean a road to the Pacific. If I had the power of sitting down and devising the best means in my judgment, and had the power, at the same time, of bringing to a concurrence with me a majority of the members of this body, I would frame a very different bill from this. But it was because I was in favor of the commencement of such a road as this, at the earliest possible day, that I gave my consent to this bill.

Four years ago, Mr. President, I gave my consent to the project of Mr. Whitney; and I am not prepared to say, even at this day, that that was a very wild or extravagant project. A majority of the Legislatures of seventeen different States of this Union were brought to concur in the propriety of making that experiment. They did not look nicely at what it might cost the country. They were willing to give the millions of acres of public lands which were proposed by that gentleman, for the making of what many of them must have known, from the lights that were before them, to be an experiment. And so, to make a remark pertinent to one that fell from the Senator from South Carolina to-day—that if this road shall turn out to cost fifty per cent. or one hundred per cent. more than we suppose in the bill before us, and prove to be a failure, he considers that all the expense will fall on the Government, and be a total loss; I say even then it will not be a failure. We may be making an experiment as to the cost of the road, it is true; but if it shall cost $80,000 a mile instead of $40,000, I shall consider it a profitable experiment to the country and to the world. And again, if the road were to stop at the base of the mountains, and could go no further, still every one hundred, or four hundred, or five hundred miles you advance with it, suppose it stops there, is so much space overcome and gained in the transit between the Atlantic States and Pacific coast. You shorten the land transportation; you shorten the transportation of troops and munitions of war by that much. The expense and labor are not lost. The honorable Senator's argument is a failure, when he attempts to show that if we cannot accomplish all we propose, all is lost. Every hundred miles we proceed with the railroad is so much gained. But to recur to the history of this project.

The Senator from South Carolina says this project is premature. Five years ago, I believe, we ratified in this body the treaty of Guadalupe Hidalgo. Then, if the Senator had anything to object to making inroads upon the Constitution of the land, in this age of progress, then was the time for him to come forward with his objections. But from the moment that treaty was ratified, and California became ours, by a stronger and more imperative necessity than existed before, when we had only Oregon, it was settled that we were to keep up with this progress, and connect the Atlantic and Pacific together. It was then as inevitable as is now the necessity of making this road, to my mind, and I think it will be to every other Senator who will consider of it for a moment, calmly and without prejudice. We must have this tie, this bond, this channel of communication, if we mean to hold the territory which was ceded to us by that treaty. And, sir, for fear I shall forget it, let me now, although it is not strictly in the order of my remarks, call the Senator's attention to another point in answer to one part of his argument in which he complains of the infraction of the Constitution, and of what this progress has done. He should go back, to the admission of Louisiana into the Union, through a treaty with France, and commence this breach of the Constitution there; and he will trace it on to the admission of Florida through a treaty with Spain; and then, I trust, he will come to the admission of Texas; and when he complains of what progress has done in beating down the barriers of the Constitution in regard to the acquisition of territory, and the improvements projected to hold it in our control and dominion, I trust he will reflect upon the mode in which Texas was admitted into the Union. I do not know that he was in public life then, but I know that he is associated with gentlemen who gave their hearty concurrence to the measure for the admission of Texas. The greatest breach, in my opinion, ever made in those barriers was made by the mode in which Texas was admitted into the Union; and if the honorable Senator has no fault to find with that, surely he ought no longer to complain—I mean the admission of Texas by a resolution passed by a majority of the two Houses of Congress.

Mr. BUTLER. I do not know what would have been my judgment at the time, if I had been called upon to vote; perhaps I would have yielded to assimilation—for the gentleman seems to say that, by assimilation, I shall be responsible for that measure. I might have assimilated to the views of others; if I had to give my opinion, however, in the abstract, I would have preferred a different mode of admitting Texas.

Mr. BELL. That is a fair and candid admission. But after these great barriers, which he thinks it is of such importance that we should hold up in their original strength and solidity, have been broken down in this manner, why interpose objections to every measure of this kind? It is out of time; it is past the period when such objections can

be interposed with success here. Sir, it is a part of progress. No such thing was contemplated by the Constitution as the admission of California under the circumstances, or of Texas, any more than of Louisiana, under the circumstances in which it was admitted. But I repeat, these are the results, these are the evidences of progress. Then, it is but a part of the same step in progress that you must build this road to connect the Atlantic and Pacific. I will try now to proceed in some more regular order to answer the objections of the Senator from South Carolina. I think I can do it by tracing the history of this particular bill.

I have already stated that this measure has, in some shape, been before the Senate of the United States, and before the people of the United States, some four years. Four years ago Mr. Whitney's project was presented to the Senate in a well-considered bill. Four years ago the objection was raised, that such a measure was premature; a reconnoissance and surveys were required, and fifty thousand dollars were appropriated for that purpose. The Senator from Texas can correct me if I am wrong. At a later day some additional $20,000 or $30,000 were appropriated for the same purpose. Remember the objection then was that we had not sufficient information to act upon the subject; that we did not know that it was practicable; that it was premature. Numerous reconnoissances and surveys have actually taken place under those appropriations.

Mr. RUSK. I will explain it. In 1849, the question was brought before the Senate on a motion to appropriate $100,000 for the express purpose of a survey. It passed the Senate. It was reduced by the Committee of Conference to $50,000. It so remains on the statute-book. But a large portion of the amount passed into the general fund; it was not used; the orders were countermanded. I will say, though, that there have been more than half a dozen reconnoissances made.

Mr. BELL. I am adducing this in answer not only to the Senator from South Carolina, but to the other gentlemen who have spoken in opposition to the bill, and who have said that we have no adequate preparation for entering on the subject; that we have no sufficient lights to guide our judgments; that we have no reconnoissances or surveys to authorize us to undertake such a stupendous enterprise as this. We have had the explorations and reconnoissances in former days of Pike, and of Long; and coming down from them, we have those of Frémont, Emory, Stansbury, Abert, Simpson, Marcy, Sitgreaves, Johnson, and how many others I do not know. Many of their reports have been published to the world in an authentic form, and challenge the respect and admiration of the public for the enterprise and skill manifested in making them. Some of them, I believe—as Captain Sitgreaves's—have not been published, but will be in a short time. Many of these explorations and examinations have taken place, under instructions given with a direct view of ascertaining the localities of this country—this immense region—and the practicability of constructing a railroad through it. We have also the surveys upon the Rio Grande and the Gila—the southern route—by Bartlett and his company, and the exploration of Colonel Graham, when he went out to El Paso.

Senators assume what is absolutely unfounded in fact, when they assert that we have had no explorations, examinations, and surveys by reference to which we can decide upon the practicability of this road. They are entirely mistaken. If they had said that there are some mountain passes which have not yet been explored or surveyed, they would have said what is true. And this bill makes provision for that, by giving the President the power, and placing at his disposal the means of making further examinations and surveys before the road is located. And, what is more, in addition to these scientific surveys, we have men now in this city, who have spent their youth and their manhood in exploring this country; men of integrity and of as much intelligence as they could acquire as hunters and woodsmen; they are here, and are ready to give you assurances, with regard to the character of the whole country from the valley of the Mississippi to the Pacific coast. I believe there is a man in this city (Laroux) at this very time, who may be said, with very little exaggeration, to have been upon every square mile of these mountain passes, and the intervening valleys and depressions which we wish to know something about. He has traversed the whole country, almost from the northern boundary of the United States to the south; especially the southern portion. And we have had traders exploring that country, from the Missouri river to New Mexico, and from New Mexico down the Rio Grande, for some twenty or thirty years, with their annual caravans: they ought to know something about the country. We have had traders, trappers, and hunters penetrating even the Salt Lake region years and years before the acquisition of California. I remember General Ashley gave me a most interesting account of that lake—being one of his rendezvous in a trapping expedition in which he was concerned himself; and I recollect very well a thrilling incident connected with it. It is true that better, and more scientific explorations since that time, have thrown all that into the background.

During the last three or four years we have had emigrant trains or caravans—three or four in each season—numbering in all some forty or fifty thousand souls in a year, who have crossed this region to California and Oregon. How do they get to California and Oregon with all the difficulties and obstructions which they have to meet, and which are so great as to carry off some two thousand of them annually? Let it be remembered, however, that the loss of life has not been occasioned by the severity of the cold, or by being overwhelmed in snows, in the gorges of the mountains, but because of the failure of their provisions, or the diseases engendered by the change in their habits of living, or the want of sustenance for their teams. Take the reports of any of the travelers who have given us an account of these things: take that of Captain Stansbury, or any one else; and how many miles of this route do you suppose you can pass over where you do not find that your way will be marked at almost every step of your progress by newly-made graves and carcasses of oxen and mules which have perished by the way? The whole route of these annual caravans or emigrant trains may be said, in fact, to be one continued graveyard. It is under circumstances like these, and privations of this kind, that some two thousand emigrants perish every year on the plains and in the mountain passes in the long and dreary route. And yet, Mr. President, after three or four years of such disasters and privations, and with fifty thousand emigrants passing annually to the Pacific coast, we are called upon to delay still further making any provision for a road across that country. It is said that we have not the lights necessary, and that it is premature to act now; that we have not had sufficient reconnoissances to justify the passage of such a measure as this. I would ask Senators what sort of surveys and examination they propose? The Senator from South Carolina thinks the examination can be made in ten months.

Mr. BUTLER. I will correct the Senator on that point. I said that even if the discussion of this measure were delayed for ten months, we should lose nothing by that delay.

Mr. BELL. The Senator being against the bill, and thinking that we have not power to construct the road, I thought it a little singular that he should appeal to us for a delay of ten months. He will pardon me for having misunderstood him. I have said before, that a delay to act upon this bill at this session will be a positive delay for at least two years, before any effective progress can be made in the construction of this road, because it will only be at the end of the first or long session of the next Congress that any measure could be passed for this purpose, and then it will be too late to have any further exploration or survey in that year, and the road could not be located until the middle of the year following. The proposition for the minute surveys spoken of by the Senators from Georgia and Pennsylvania, would require five years, if not ten. I am the more desirous of dwelling upon this point for a moment, on account of the influence which may go abroad as the result of this discussion, and make an impression upon the President himself before he proceeds to fix the termini of this road, that it is necessary to have a description, survey, and examination of the whole of this extensive country, which could not be accomplished in less than five years. I want to know what is the necessity for any survey of the country from the western boundary of the States to the eastern base of the Rocky Mountains?

Senators speak of having conversed with able and intelligent engineers. Will they say that any intelligent engineer will declare that, for five, seven, or eight hundred miles, commencing at any eastern terminus which may be selected, there is any impediment which would prevent the construction of the road—I mean any impediment in the shape of mountains and streams, which will authorize them to say that the route is impracticable? There is the whole range of country from the base of the Rocky Mountains east to the Mississippi river, every acre of which, I may say, has been passed over and explored by your ablest scientific men. Any railroad to the Pacific which will ever be thought of, commencing in the valley of the Mississippi, north of Texas, must take one or the other of the several navigable rivers rising in the Rocky Mountains, and running into the Mississippi; the Platte, or the Nebraska, as it is called, the northern fork, or the southern fork; taking the northern fork if you want to pass higher up than the South Pass, and the southern fork, if you want to pass at that point; or if the Platte is too far north, take the Kansas. If that is found too far north, and would lead you into the snows and gorges, so as to render the passage impracticable in the winter, and you are compelled to go further south, then there is the Arkansas river; and so far as that offers facilities superior to either of the other routes on the eastern slope of the Rocky Mountains, it is all known. That has been examined and explored; there is no difficulty there. If that again is too far north, there is the Canadian, and that has been explored by Lieutenant Simpson. And what does he say of the Canadian? He says that for a distance of eight hundred miles there is no serious impediment to the construction of a railroad. It would be worth while, if I had time, to quote his authority, in which he speaks of the country from Fort Smith to Santa Fé. I want to read this, inasmuch as gentlemen have said "we want light; we have no information, and no authority; we have immense deserts which have not water to supply locomotives." He says that on the whole line of his exploration, "wood and water were generally suffi-'cient, and were they deficient, could be supplied 'without inconvenience, by following the direc-'tions laid down in the maps."

There is not only wood but water, and for about three hundred miles of a country that I had supposed to be a desert, destitute of wood if not of water, he says there is an abundance of fine timber for constructing a road. If you go still further south, there is the Red River valley, which has also been explored. Sir, I want to show that Senators assume as facts things which are not facts, and proceed to argue upon assumptions which are utterly unfounded.

With regard to the exploration of the passes of mountains—the South Pass has been carefully explored and examined by Colonel Frémont, and others, I believe. Captain Stansbury surveyed a pass still further south, leading into the Salt Lake region. Colonel Frémont attempted to examine a pass further south, and still north of Santa Fé, but was driven back by snows drifting upon him in the gorges of the mountains, where a part of his men perished. The next pass examined is that which passes by Albuquerque, south of Santa Fé, and leads over into the valley of the Colorado. Captain Sitgreaves is in the city, I am told, and he has made a reconnoissance of this route, under the direction of the Government He finds no obstructions which an engineer would consider as such, so far as he has gone. He took up the examination, I believe, where Simpson left it, passing the Rio Grande to the Colorado of the West, and along in that direction to Walker's Pass, in the Sierra Nevada. There is said to be a pass in the Sierra Nevada higher up in California, near the head of the valley of the Sacramento. Others say that there is no practicable pass there. That may be a point to be examined yet. Then there is the Guadalupe Pass, of which the Senator from Rhode Island [Mr. CLARKE] reminds me, which has been sur-

veyed, and which leads into the valley of the San Pedro, and thence into the valley of the Gila. Nobody doubts that there are numerous passes in the several mountain ranges between the Mississippi and the Pacific, over which a railroad could be constructed. The Senator from Illinois [Mr. DOUGLAS] said there were fifteen, twenty, or twenty-five which are known to be practicable, and the question was which was the best of all. And yet some Senators say there has not been any exploration, reconnoissance, or survey, sufficient to justify the passage of the bill.

I now leave that part of the subject, however, and refer to other objections to the bill. Sir, I have been led to take some more interest in this question, particularly with regard to the objections taken to-day, because I happened to be a member of the Select Committee which reported this bill. When that committee met, perhaps there were no two of its members who would have agreed in the provisions of a bill which they would recommend. Before they entered upon any details, they took up the more general and important principles and questions involved in the subject to be decided as preliminaries, for they justly concluded that, unless some material modification of the bills already presented to the Senate could be agreed upon, none could pass. It so happened that there was no member of that committee who was not of opinion that we ought to make an experiment, if you please to call it so, in the construction of such a road as this, from the Mississippi river to the Pacific ocean. Without consulting other members of the committee, I think I may say there were three of those gentlemen, constituting a majority of the committee, who could have put their fingers upon the termini of the road; or, at all events, upon the eastern terminus, and where, if they had the power, they would put it to-day, with the lights now before them. But these gentlemen, each reflecting in his own mind, and without communicating his thoughts to others, saw what every Senator has seen here for the last four years, if he has been so long a member of this body, and that is, that neither House of Congress can ever agree upon the termini or general direction of a railroad like this, which has to encounter so many local and conflicting jealousies and interests; and therefore I am not disposed to allow perfect ingenuousness to the arguments of those gentlemen who talk of Congress being the proper body to decide where this road shall be located. I have no right to say to those Senators, You, sirs, know that that can never be done; but I think any gentleman of large experience here does know that fact; and let him reflect upon it, and give full scope to his reasoning powers upon his past experience in the body, and he will, I am sure, agree that Congress can never settle this question. What was the difficulty three years ago, when the friends of this project brought it up for consideration? They found, by consultation, that there could be no agreement among Senators with regard to the location of the road.

The honorable Senator from South Carolina says he has a deep interest in the location of this road as a southern man. Well, sir, though not perhaps so deeply interested on that ground as he, I have an interest on that score also, as a man belonging to the same general section of the Union to which he belongs. I, too, have an interest in the location of this road. The Senators from Indiana, from Illinois, from Wisconsin, from Iowa, and from Missouri, have an interest in it. The Northwest have a deep interest in the location of this road—an intense interest; and they would not be authorized to surrender their right to contest it on this floor, but for what?—but from the knowledge derived from their experience here, and from the practical observation of others who have served in legislative bodies, that neither the Senate nor the House could ever agree upon the location of the road. I have given you the two great sections—the Northwest and the Southwest—that have a deep interest in the location of the road; and there is an intermediate section which I may be said in part to represent, and which my friend from Kentucky [Mr. UNDERWOOD] also represents, which has a deep interest in the location of this road, for we all want it as near as possible to ourselves. So as to the Atlantic sea-board. The cities of New York and Boston and Philadelphia, Baltimore, Charleston, and Savannah have an interest in its location.

A SENATOR. And Pennsylvania.

Mr. BELL. Yes, sir, Pennsylvania has as much interest in it as any other State. Every city and State in the Union has an interest in the location of this road; for it is destined, by its more or less favorable point of connection with their respective railroads and other channels of communication, to affect all their commercial and social interests. The East, not less than the South, has a particular interest in the location of this great road.

The committee saw, or thought they saw, that if this bill were reported in a shape requiring the Senate and House of Representatives to agree upon its termini, we should never have the road; and I would like any gentleman now in his place, to rise and say that there is the remotest prospect that Congress can ever agree upon such a question. The first question propounded to the committee by its chairman was, Shall we report a bill fixing the termini of the road? Sir, the gentlemen representing the Northwest, as well as the South, the Southwest, and the East, responded "No." I think we may assume that they were satisfied that we could never pass an act for the road otherwise. It has been suggested to me out of the Senate, May it not be made a question for a scientific *corps* to decide which is really the best route, the most suitable and advantageous point, to be made the termini? "No," I say, because there is no one terminus east so far superior in its advantages to the country, to all others that it is likely that any scientific board or body would unite upon it; and then if they did unite, the argument would be urged that there is very little difference between that terminus and one north of that, or one south of it, and so all the evil of conflicting interests and jealousies would still exist. We all, therefore, agreed that the only feasible project was to report a bill without giving Congress the power or making it necessary for them to select the road. Then, the question was, as we decided that Congress could not now and never could designate the termini of the road, Who should be authorized to designate them and the general route of the road?

The committee came to the conclusion, after some discussion and difference of opinion—if I may speak upon that subject—that the President was the proper authority to decide such a question as that. The Secretary of War might be under influences, and the country would not have full confidence in a board of officers, as indicated by the Senator from South Carolina. He seemed to think that the influence must operate upon every gentleman, and upon every scientific board, and upon every officer. We thought that it might. We thought that the President (being the highest in power, being President already, the measure of his ambition being probably full—his character being now so elevated) would be the least likely of all public functionaries to come under the sinister influences of capitalists or what not; that he would have his character, his fame, to consolidate by doing justice to the whole country, proudly independent of all influences whatever, personal or political.

The honorable Senator from South Carolina says that the President may be liable to influences. So he may. Where, then, would he place the locating power? Would he give it to Congress? Why, sir, in his very argument did he not advert to the influences of capitalists in the two Houses of Congress—even the inside influences of capital—for he said capitalists would find their way into this body. Other Senators have spoken more distinctly and candidly of the outside influences of capitalists. The Senator from South Carolina named the large steam navigation companies, and the powerful influences which they wield. He says that our bill has conflicting provisions. The Senator's argument is conflicting in its terms, and not only is his conflicting, but so is that of the Senator from Georgia, [Mr. DAWSON.] They are all conflicting. When you bring it to this body, we say that it will not be more likely to be free from influences, political or otherwise, than the President himself or the Secretary of War. We thought the President least of all likely to be controlled by such influences, and therefore the committee placed it upon the President. It is true the Senator from Indiana [Mr. BRIGHT] thinks it a very great hardship that the back of the President elect should be burdened with the great railroad from the Mississippi to the Pacific, with all its running gear and apparatus, in addition to his other great duties; and he protests against the burden being placed upon him. Sir, the incoming President was not my choice for President. He was the choice of the Senator from Indiana. Does the Senator fear to trust his integrity? Does he fear to trust his firmness and boldness in doing a great act of patriotism for the country, and upon sound and pure principles locating this road, when he sees that Congress will not and never can do it? Is he a man that would shrink from such a responsibility? If he is, he is not fit to be President of the United States.

But, it is said the President cannot make the surveys and preliminary examinations required. We do not suppose he will. He must have confidence in others, as we must have; the committee said, whatever may be the magnitude and responsibility of the trust, we must put confidence somewhere. The President is a unit. He can decide it. Nobody can gainsay his decision if we vest him with the authority. Congress will not and cannot agree upon the selection of a terminus in a boundary of more than a thousand miles, reaching from the mouth of the Rio Grande to Lake Michigan. There is a conflict of local interests at every step—therefore we cannot agree. The President can determine it. We must trust some one. We think we can trust him; and there is more safety in trusting a man of his position than a military board, or a scientific board, or a Secretary of War, or anybody else. The placing of the power in the hands of the President, therefore, was a necessity; and it is a necessity, if we want the road. You can never get it otherwise. I repeat that it is a matter of necessity. If we could decide among ourselves, I would prefer it, as the direct representatives of States and the people, but we never can, as every Senator's experience tells him.

Having decided that we are not to undertake to designate the termini, that Congress cannot do it, and that we think the President is the only proper tribunal that can do it, what was the next question that the chairman of the committee propounded? "How shall this road be built?" And here the Senator from South Carolina again will find his own arguments conflicting, as he says the provisions of this bill conflict, and so will the other Senators who have spoken on his side. How shall we build it? Shall it be done by the Government of the United States, after the proper reconnoissances and surveys? Shall the President not only locate the route, but shall it be built under his direction and control also? Shall the President appoint engineers, superintendents, and agents of every description to furnish supplies, iron, timber, and employ workmen and laborers? The committee thought it wiser to commit the construction and management of the road to private individuals or companies. Senators say we are about to create a corporation, and to give it a monopoly, and an enormous profit; and some Senators, in their places, and others out of them, have said that it will be the most stupendous monopoly that ever was created by this or by any other Government in the world. Why give it to a company? If we must have a road, why not provide that it shall be built by the Government? What do you mean? I appeal to Senators who use that argument—do you mean to say that the Government ought to undertake it? You just now objected to throwing the immense power into the hands of the President to locate this road, and yet you say Government ought to build it, if we must have one. The Senator from Pennsylvania, [Mr. COOPER,] who has had full experience of what his State has done in the construction of roads, and the management of them, says the Government ought to do it. Senators from every quarter can give some experience of the same kind.

I apprehend the Senator from Georgia, [Mr. DAWSON,] who contends that the construction of the road ought not to be given to a company, thinks that as the government of his State has succeeded in the construction and management of her railroads, the United States Government ought to make this road. We do not know yet how the Georgia experiment will turn out in the end; but every-

where else, excepting Georgia, I think I may undertake to say the experiment has failed. Then I would say to those gentlemen, if you think the Government ought to undertake to build this road, what becomes of your argument, used, I think, by the Senators from Georgia and Pennsylvania, as well as the Senator from South Carolina, against bestowing such enormous patronage upon the President? If the committee had made such a proposition, there would have been a general outcry against it at once; it would not have been unanimous, but I think it would have come from all except those who have the highest and most especial confidence in the Executive of the United States. If we had proposed to give the Executive the appointment of the superintendents, directors, agents, clerks, and what not, of such a line of road, it would have been said that it was an enormous increase of patronage; and it would not have been tolerated in this Chamber for one moment. Yet honorable Senators earnestly oppose the proposition to transfer the building of this road to private individuals or corporations. I would like them to show in whose hands they should deposit this power. Here again the committee thought we must trust somebody; we must have faith in man to some extent; we must have faith in our own institutions; and while we thought it best to trust the President to designate the termini and general route of the road, it would be best to commit the making and management of it to the enterprise, and in part to the capital of private individuals or corporations.

We thought it better to put the road, in the hands of private enterprise, which had a direct interest in it, than in the hands of the Government; better than to vest in the President the enormous patronage which would probably give him a dangerous influence, in addition to the legitimate patronage which he has under the Constitution. We also considered the waste and extravagance which always attends the construction of works of this description by the Federal Government. We thought it best to trust it to individual capitalists or companies, who might voluntarily be willing to take the risks upon the terms presented to them, and then the only patronage that would belong to the President, under the bill, would be the power to locate the road, and to appoint the superintending engineers on the part of the Government to watch the work in its progress. That is the ground on which the committee decided that it would be better to give it to companies, or to individuals, and not to the President. We thought that the patronage in the hands of the President would be too great, and that such a work would probably be carried on with great profligacy or waste, and lead to far greater expense than would be required in the hands of private individuals.

Then another question arose: Was it better to attempt to make the road by a donation of public lands alone? And here again I beg to say that some of the arguments of honorable Senators, like the provisions of this bill, as they allege, are conflicting. I believe no Senators have spoken who do not conflict in their views. We thought that this road could not be built by appropriating public lands; that we could not find private capitalists who would be willing to undertake it with a grant of such a quantity of land as would be likely to receive the sanction of Congress; and we concluded, therefore, that we had better connect with it the loan of a sum of money in addition to such a grant of land as would be sufficient to make it a temptation to capitalists to take the risk of undertaking to build the road, and supply whatever additional amount of capital might be required. The Senator from Georgia says that there is no man of sense—there is no capitalist in the country, or in the world, who would invest in such an enterprise as this. I think I do not misrepresent him. He said, no man would risk, for a moment, a dollar in such a wild experiment as this. The Senator from South Carolina thinks it is one of the most stupendous inventions to profit capitalists that has ever been brought forward. He insinuates, or rather he speaks out—for he does not generally insinuate—that the influence of capitalists was felt in making such a proposition as this. He said that this would not result to the benefit of the public, but the capitalists would get all that could be got out of the lands, and then abandon the project, and leave it on the hands of the Government.

Mr. BUTLER. Oh, no; I said this: that they would take the fifty millions, or whatever the amount of appropriation may be, and go on as long as it would last, and if that would enable them to make a profitable concern of it, they would go through with the work.

Mr. RUSK. It is provided in the bill that the payment shall be *pro rata* according to the work done.

Mr. BUTLER. I know that; and they will go on and beg you to give them more money. That I know they will do.

Mr. BELL. The company will make a very great profit, he says, if successful; and if not successful, the experiment will be at the expense of the Government.

Mr. BUTLER. I say so.

Mr. BELL. So the Senator says. And the Senator from Georgia says no man in his senses will invest a cent of money for this purpose, for there is not a sufficient inducement to do it. Now, I repeat my remark of the other day, that if the road is made for fifty miles, it will be so much accomplished, and there is no loss to the Government. And whatever may be the length of the road that is completed, it will give aid to the trains passing to California or Oregon, will carry them so much further on their route, and shorten the distance to be passed over in the present mode. Thus these immense trains will have their journey lessened, and their means of subsistence preserved, and the mails, and Government troops, and military supplies of all kinds, will be cheapened and expedited just in proportion to the extent of the road which may be completed. So that there is no truth in the idea that there will be a failure in this enterprise, although it may turn out true that the road cannot be carried through the mountain passes. The Senator from Illinois [Mr. DOUGLAS] says they are passable, that there are some fifteen or twenty places where the mountains can be passed. We know they can be overcome by science, by genius, and by money.

Mr. BUTLER. By money.

Mr. BELL. By money—I give the argument in full. If it can be done by money at a cost of twice the estimated cost of the road, I am for doing it. Money, within any reasonable limit, is no consideration in questions like this. It is possible that a state of things may arise which would show that it would be wise to expend $300,000,000 in the construction of this road, if so much were required. I said the other day that $150,000,000 would be well expended for the road, if it could not be built for less. Will any Senator say that $200,000,000 in lands and money, would not be well expended for such a road, if the question should be this sum or no road between the Mississippi valley and the Pacific coast? I do not know what would be the expense of transporting a body of five thousand men across the country to California at the present time. I would like to have the Senator from California, or any other Senator, tell me what it would cost to transport such a body of troops and all their supplies to California, from the valley of the Mississippi. Can the Senator from Pennsylvania [Mr. COOPER] enlighten us on that point, and what it would cost to subsist them for one year by overland supplies?

Mr. UNDERWOOD. It costs about twenty dollars to transport a barrel of flour to Santa Fé.

Mr. BELL. I would like to know whether it would be possible to transport five thousand troops, with a train of artillery and other munitions of war, to California or Oregon in one year, from the valley of the Mississippi. Senators may say that we could transport them by sea by the way of Cape Horn, or by the Isthmus of Panama. You can get them there in that way with a sufficient number of transport vessels, if they are not cut off by your enemies lying in the way. But if you were engaged in war, with a powerful maritime nation, how could you do it? I am speaking of such an emergency; and I appeal to honorable Senators who have recently had their attention called to the questions affecting our foreign relations, to consider this question with reference to the condition in which we shall be placed in the event of a collision with any foreign Power. It was in connection with that subject that I said $150,000,000 might be well expended to secure a road to California and Oregon, on which troops might speedily pass to those possessions. What do Senators suppose it would cost to retain those possessions in the event of a war with England or France? I do not know; but I believe in such a case, as we are now situated, it might be a better policy to abandon those countries, and let a foreign yoke be imposed upon them, until we could construct upon the Atlantic coast a sufficient number of vessels of war to be able to meet them successfully upon the ocean. If you were to attempt to hold those possessions at any cost, as probably the country would feel it to be a duty to do, how many millions would it take to do it? That is the idea upon which I set out to show that if this road should cost even $200,000,000, it would be better than not to have the road at all.

Mr. BUTLER. If the honorable Senator will give way, I will move to adjourn, because I see he is now but in the middle of his argument.

Mr. BELL. No, sir. I could finish in a short time, but I do not wish to detain the Senate.

Mr. RUSK. I desire to make an announcement to the Senate. I desire to say simply that I do not wish to crowd other business out of the way by this bill. I am anxious to come to a vote upon it, and I hope the friends of the measure, and those who are opposed to it, will agree to come here on Monday prepared to go through with it, and settle it upon that day.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

THURSDAY, *February* 17, 1853.

The bill being again under consideration, Mr. BELL continued as follows:

The question, I believe, is upon the amendment of the honorable Senator from Pennsylvania, [Mr. BRODHEAD,] to strike out all of the bill of the Select Committee except the enacting clause, and insert what has just been read. In other words, the proposition is now to commence a reconnoissance and survey for this great enterprise. Of course, if it succeeds, it is fatal to any further legislation at this session of Congress upon the subject of the construction of this road. Now, I want to have the proper issue made between the opponents and the advocates of this great enterprise, as the responsible agents and representatives of the country. The project of the Select Committee has been denominated a stupendous and monstrous one—as one of great extravagance and recklessness. If that be the true character of the measure, there is a very heavy responsibility resting, not only upon the Senate, if they shall enact such a bill as this, but there is a responsibility attaching to each advocate of it; and if it be half so extravagant and monstrous a conception as it has been said to be, I should very speedily, if it presented itself to my mind in that light, wash my hands of it. But there is another responsibility, and it is a responsibility which attaches to honorable Senators for their opposition to a measure so loudly demanded by the country and so necessary for its defence, unless they can show that their objections are well founded. It is not generally safe to get up and make round, wholesale objections to a measure, unless those objections can be sustained by the evidence before Congress and before the country.

The proposition contained in the amendment of the Senator from Pennsylvania is now, in 1853, to commence the explorations and examinations of the route for this great work, as if, during four years, I may say five years, since this new and last accession to our territory has been made, these examinations had not been going on with more or less assiduity, and more or less success; as if report after report had not been made to Congress, communicating observations and explorations; as if you had not, by your order, printed numerous reports of explorations and reconnoissances, with expensive charts and maps, of a large portion of the country intervening between the Mississippi valley and the Pacific ocean.

I propose to recapitulate very briefly the points of objection to this bill, and the answers that can be made to them. The first objection is, that be-

fore the passage of such a bill as that reported by the Select Committee, or any other projects which have been reported, further explorations and surveys should be made and laid before Congress. It is said that we do not even know that the proposed road is practicable, and that it is preposterous to legislate upon a subject in regard to which we have so little knowledge. In reply to that, I have to repeat what I said the other day—that we have the report of six or seven exploring parties, composed of men of science, who have examined as many different routes from between the Mississippi valley westward to the mountains that intervene between that and the Pacific ocean, and crossing those mountains at several different passes. Every square mile of the immense slope from the Sierra Madre and the Rocky Mountains, which are only an extension of the Sierra Madre, to the Mississippi, has been explored and examined—not surveyed by the chain and level, for that is not necessary in this stage of the enterprise; but the whole of the extensive plain, some seven or eight hundred miles from the base of these mountains to the western boundary of the States bordering the west bank of the Mississippi, has been carefully examined.

Then, what surveys and reconnoissances may yet be properly demanded before the President, or any one else who may be authorized to locate the route of this road, shall proceed to the performance of that duty? Merely surveys of the comparative character and fitness of the various depressions or passes in the two distinct mountain ranges that intervene between the Mississippi valley and the Pacific—one called the Sierra Madre, west of the Rio Grande, and merged as you go north in what are ordinarily called the Rocky Mountain range, the other, the Sierra Nevada, still further to the west. There are thus two distinct mountain ranges and formations which constitute the proper range of the only future examinations or surveys required, before the President will be qualified to designate the route of the road. The survey of the different passes in these two mountain ranges, with the information we already possess, will be amply sufficient to enable the proper authority to establish the general route of the road. For example, if the valley of the Nebraska or Platte river shall be regarded as the most desirable route for that part of the road which is to be constructed east of the Sierra Madre or Rocky Mountains, then some more particular examination and survey of the South Pass may be necessary to be made to show what will be the grade and probable cost of a railroad carried over the Rocky Mountains at that point. If the South Pass should be found to present no serious obstacle, either in the elevation to be obercome, and the snows shall be found to be no serious obstruction in winter, then it would become proper to examine whether a road carried through that pass could be extended by a branch road from that point into Oregon, but that, I apprehend, would be found impracticable; but the new surveys and examinations on this route would have to be extended through the Sierra Nevada, to ascertain whether there is any practicable pass in that mountain towards the head of the Sacramento valley. If such a pass can be found, and the snows of winter shall be no impediment, and the South Pass likewise being found in every respect practicable, then I should say that these passes might be properly regarded as indicating a proper route for this great work.

But, if the South Pass should be found practicable only by very heavy grades, or if the snow in winter shall, upon inquiry, be found to be a formidable objection to that pass, then surveys may very properly be ordered, to see whether some other pass on the Sierra Madre may not be discovered between the head-waters of the Arkansas and the Colorado of the West, which may be free from these objections. I am aware that Colonel Frémont and his party were very near perishing, and I believe some of them did perish, in attempting an exploration of this pass, and that there is not much hope to be indulged of its practicability. The next pass on the Sierra Madre, as you proceed south, which will require a more particular examination or survey, is that through which a railroad up the Canadian or Red river would lead. This is the pass already explored by Captain Sitgreaves, passing near Alburquerque, in the valley of the Rio Grande, and proceeding westward to Zuni, and across the great valley of the Colorado of the West. Then there remains the passes on the route recommended by Major Emory, and a part of which was surveyed by the officers belonging to the Commission of Mr. Bartlett, and part by Colonel Graham. We have these three or or four different passes in the Sierra Madre range of mountains to survey, and then all that remains to be done in making preliminary examinations and surveys, will be confined to the passes in the Sierra Nevada range. Walker's Pass has already been pronounced practicable, and some affirm that it is the only one that is so in that large mountain range; but some further and more careful survey may be necessary of that pass. When the surveys of the several points or passes in the two great mountain ranges which intervene between the Mississippi and the Pacific shall be completed, then the President will have all the information, in addition to that which is already supplied in the reports of the several exploring parties before alluded to, which he will require to enable him to designate the termini and general route of the road.

Do Senators mean by examinations and surveys that you must have such surveys as would enable the contractors to commence their work—the work of excavation, embankment, the laying down the substratum, the timbers, &c., for the road? No such survey as that is necessary or even required before the general direction of a road is determined upon and established.

I say, then, that it is not true that we have no sufficient lights upon the subject to justify a legislative enactment providing for the construction of this road. Three of the passes in the Sierra Madre I have mentioned are confidently pronounced practicable by able and skillful engineers, so far as the construction of the road is concerned. One of them, upon further investigation, may not be considered so on account of the snows which accumulate in winter. Walker's Pass, in the Sierra Nevada, is pronounced practicable by the same authority, and there may be yet another found which will be so likewise. How is it, then, that Senators, in the face of all this evidence, persist in arguing that we do not yet know that it is possible to make this road—that any route has been discovered which is practicable? The point which I wish to make is, that the only additional examinations and surveys that we want are such as are necessary to determine which of the several practicable passes known to exist will admit of the easiest grading and the least cost; and when these poinst are settled, all that ought to be required or expected before the road is located will be accomplished, and all such necessary examinations and surveys are provided for in this bill. Provision is made in the bill for the appointment of ten civil engineers, should they be necessary, by the President, in addition to the whole corps of Topographical Engineers, which are placed at his disposal to make these very explorations and surveys.

Another objection to the bill was, that when we shall have all these additional surveys and examinations, Congress ought to make the designation of the termini and general route of the road. I will only repeat, in reply to this objection, what I stated on a former day—that every gentleman of any experience in Congress, must and does know, that upon a line of a thousand miles, from Texas to the lakes on the western frontiers, there are so many points having pretty strong, plausible grounds of preference, so many conflicting and local interests and jealousies will exist, that we need never expect the members of the two Houses of Congress to agree upon the termini—the eastern terminus, at all events, of this great road. It has been suggested to leave it to a scientific board—a board of engineers and geologists—to designate what would be the best route for the public interest, the one which could be constructed with the greatest economy, and would admit of the greatest speed. In the judgment of the committee which framed this bill, the answer to that was, that such a board would have great difficulty in agreeing among themselves; that its members would be liable to the imputation of being influenced by capitalists and their local interests and partialities; and that the public would not have so much confidence in it as they would have in the President of the United States.

Another suggestion is, that if such a scientific board were to report to Congress, which, in its opinion, would be the best route, it would be a safer plan. In regard to that, I repeat that there would probably appear to be so little difference between some two or three of the projected routes, that individual members of Congress would say, "Here is not so great a difference between the several routes examined that I should be called upon to surrender my own private judgment upon the subject, and the interests of my constituents." We all know that the whole interest of the Northwest is in favor of a northern route; the middle States of the West are in favor of some intermediate route; and the most southern and southwestern States must naturally prefer the most southern route. Where is there a route which has so great an ascendency over all others in reference to the great questions of practicability, economy, and speed, and a due regard to the commercial interests, the protection, and defense of the whole country, as to command the assent of a majority of either House of Congress? Such a thing need not be expected.

Gentlemen say, Why should we trust the President in designating the route of this great national work? I answer, because we cannot agree among ourselves. It is said that it is too great a subject to trust to any man, no matter how high in authority. But we can do nothing without putting our trust in man. We trust the President with the great and important duties connected with the execution of the laws and the executive power of Government, and why should we not trust him with this? He has a higher responsibility, and we may, with more confidence, trust him than any one else.

Then, when the question who should designate the termini and general route of the road was settled, another question was: Shall the road be built; shall the work be done by the employees of the Government, or be handed over to individual enterprise? I will not repeat my argument on that subject. As to the patronage and influences which are to grow out of it, the opinion of the committee, and I think it will be the opinion of every sensible member of this body, was, that it would be far more dangerous to give the construction of such a road as this, that may not be completed even in twenty years, for anything we know, to the Executive than to private individuals or companies. The vast number of Government agents and superintendents, and other employees, required in carrying on such a work; the vast amount of money to be disbursed and expended would, in themselves, constitute an amount of patronage equivalent to that of many independent Governments of the earth. By committing the execution of the work to private enterprise, we avoid the wasteful expenditure always attending the construction of public works under Government direction and control, and at the same time escape the corrupting influences of increased patronage in the hands of the Executive.

But we are told that any company of contractors for the construction of such a gigantic work, will have a vast and dangerous influence. In reply to this, I say, that the chief and greatest interest of the private capitalists who may undertake to build this road, according to the provisions of this bill, will be to construct the road in the most perfect and durable manner; and all the influences they can exercise will naturally be employed in having the work completed in the shortest time, and with the greatest economy. It is said that we propose to incorporate the contractors, and all the prejudices usually entertained against corporations and monopolies, and the dangerous influences which they sometimes wield, are appealed to and exaggerated in order to drive members from the support of this measure. But here again the interest of the corporation or company, if any there shall be, will happily, under the checks and limitations provided in this bill, all be concentrated in the successful completion of the road, and the prosperous operation and skillful management of it. Their interest and the interest of the public will be identical. We need have no fear that they will waste the funds granted by the Government, for they will be under bonds to supply all deficiencies out of their own pockets. But if corporations are objectionable, strike out that part of the bill which

grants such privileges. Incorporated companies would undoubtedly possess greater advantages and facilities in the prosecution of such an undertaking, than private individuals; but corporate privileges are not essential, and may be dispensed with. The honorable Senator from South Carolina says, that Congress has no power to create a corporation. I suppose he means within the limits of a State. But no such thing is proposed; and whether Congress has that power or not, the friends of the bill do not mean to insist upon it.

The bill contemplates that the States through which the road may run, will grant corporate privileges to the contractors. But limit the exercise of corporate privileges to the territory of the United States, if that be the sentiment of the Senate. But I understand the Senator to question even whether we have the power to incorporate a company in the Territories for the purpose of constructing this road. He argues that if it is the duty of the Government to make this road, and it has the power to do so, it is a trust, and it cannot delegate it to a corporation. Whence, then, have we found it proper—and it has been practiced without objection from the foundation of the Government—to erect territorial governments? They are corporations of the very highest class, and we delegate to them the most important powers that we have—powers of legislation, powers of government. We in some instances govern the people of a territory without representation or a territorial legislature. Our powers are sovereign and plenary in the Territories. But, I repeat, that if an incorporated company is distasteful, strike out the clause which proposes to create one. There are sufficient inducements for private capitalists without any corporate privileges, we trust, to engage in this enterprise.

Another objection made to this bill is, the gigantic scale of the projected enterprise. A grand idea it is. A continent of three thousand miles in extent from east to west, reaching from the Atlantic to the Pacific, is to be connected by a railway! Honorable Senators will remember, that over one thousand miles—one third of this whole expanse of the continent—the work is already accomplished, and that chiefly by private enterprise. I may, as a safe estimate, say, that a thousand miles of said railroad leading from the Atlantic to the West, upon the line of the lakes, and nearly as much upon a line further south, are either completed, or nearly so. We have two thousand miles yet to compass, in the execution of a work which it said has no parallel in the history of the world. No, sir; it has no parallel in the history of the world, ancient or modern, either as to its extent and magnitude, or to its consequences, beneficent and benignant in all its bearings on the interests of all mankind. It is in these aspects, and in the contemplation of these consequences, that it has no parallel in the history of the world—changing the course of the commerce of the world—bringing the West almost in contact, by reversing the ancient line of communication, with the gorgeous East, and all its riches, the stories of which, in our earlier days, we regarded as fabulous; but now, sir, what was held to be merely fictions of the brain in former times, in regard to the riches of Eastern Asia, is almost realized on our own western shores. Sir, these are some of the inducements to the construction of this great road, besides its importance to the military defenses of the country, and its mail communications. Sir, it is a magnificent and splendid project in every aspect in which you can view it. One third of this great railway connection is accomplished; two thirds remain to be. Shall we hesitate to go forward with the work?

Now, with regard to the means provided for the construction of the road. It is said, here is an enormous expenditure of the public money proposed. We propose to give twenty millions of dollars, in the bonds of the Government, bearing five per cent. interest, and fifteen millions of acres of land, supposed to be worth as much more, on the part of the Government. This is said to be enormous, and we are reminded that we ought to look at what the people will say, and how they will feel when they come to the knowledge that twenty millions in money and twenty millions in land have been given for the construction of a railway! Some doubtless there are in this Chamber, who are ready to contend that we had better give these fifteen millions of acres of land to become homesteads for the landless and homeless. What is this twenty millions in money, and how is it to be paid? It is supposed that the road cannot be constructed in less than five years. In that event, bonds of the Government to the amount of four millions of dollars will issue annually. Probably the road will not be built in less than ten years, and that will require an issue of bonds amounting to two millions a year; and possibly the road may not be finished in less than twenty years; which would limit the annual issue of bonds to one million. The interest upon these bonds, at five per cent., will of course have to be paid out of the Treasury, a Treasury in which there is now a surplus of twelve or fourteen millions of dollars. When the road is completed and the whole amount of twenty millions in lands is paid, making the whole sum advanced by the Government forty millions, the annual interest upon them will only be two millions. And what is that? Why, sir, the donations and benevolences, the allowances of claims upon flimsy and untenable grounds, and other extravagant and unnecessary expenditures that are granted by Congress and the Executive Departments, while you have an overflowing Treasury, will amount to the half of that sum annually. The enormous sum of two millions is proposed to be paid out of the Treasury annually, when this great road shall be completed! It is a tremendous undertaking, truly! What a scheme! What extravagance! I understand the cost of the New York and Erie road alone, constructed principally by private enterprise, has been not less than thirty millions—between thirty and thirty-three millions of dollars. That work was constructed by a single State giving aid occasionally to a company, which supplied the balance of the cost. I understand that the road from Baltimore to Wheeling, when it shall have been finished, and its furniture placed upon it, will have cost at least thirty millions. What madness, what extravagance, then, is it for the Government of the United States to undertake to expend forty millions for a road from the Mississippi to the Pacific!

Mr. President, one honorable Senator says the amount is not sufficient to induce a capitalist to invest his money in the enterprise. Others, again, say it is far too much; more than we can afford to give for the construction of the work. Let us see which is right. The Government is to give twenty millions in all out of the Treasury for the road; or we issue bonds, and pay five per cent. interest annually upon them, and twenty millions in lands, which, if regarded as money, amounts to a cost to the Government of two millions per annum.

What are the objects to be accomplished? A daily mail from the valley of the Mississippi to the Pacific; the free transportation of all troops and munitions of war required for the protection and defense of our possessions on the Pacific; which we could not hold three months in a war either with England or France, without such a road. By building this road we accomplish this further object: This road will be the most effective and powerful check that can be interposed by the Government upon Indian depredations and aggressions upon our frontiers or upon each other; the northern tribes upon the southern, and the southern upon the northern. You cut them in two. You will be constantly in their midst, and cut off their intercommunication and hostile depredations. You will have a line of *quasi* fortifications, a line of posts and stations, with settlements on each side of the road. Every few miles you will thus have settlements strong enough to defend themselves against inroads of the Indians, and so constituting a wall of separation between the Indian tribes, composed of a white population, with arms in their hands. This object alone would, perhaps, be worth as much as the road will cost; and when I speak of what the road will be worth in this respect, I mean to say, that besides the prevention of savage warfare, the effusion of blood, it will save millions of dollars to the Treasury annually, in the greater economy attained in moving troops and military supplies and preventing hostilities.

I have said that this road, when completed, will cost the Government an annual expenditure of two millions of dollars. I have said that one of the objects secured by this road, will be a daily mail between the Mississippi and California. What do you pay now for the transmission of a semi-monthly mail between the Atlantic and Pacific coasts? About $700,000 annually; and you pay about $750,000 annually for the transmission of your semi-monthly mails to Europe and back, even after deducting all the proceeds you receive from postages. The two together amount to about $1,750,000.

But, to repeat a part of the argument: Honorable Senators may say you propose to give $20,000,000 more in land. Be it so. That is, you grant lands, which will be worth that amount, only because the road passes through them, and which you could in no other way realize that amount out of them. But set down the lands granted to be equivalent to $20,000,000 at this time, and upon which interest will have to be paid out of the Treasury when the road is completed; that will make the whole annual charge against the Government two millions. In return for this, the Government gets a daily mail over the whole extent of the road—all troops and munitions of war transported—a saving in the Quartermaster's Department of the Army alone of at least a million of dollars; and besides these advantages, the commerce of the whole country extended, the whole interior of the continent settled and made productive, peace preserved with the Indian tribes, and the Union cemented and bound together by bands of iron. One further idea in regard to the transmission of the mails is worthy of notice. What would it cost to get a weekly mail by the routes now in use between the Atlantic and the Pacific? I apprehend it would cost as much, or more, annually, as the interest upon the whole $40,000,000 proposed to be given for this railroad, estimating the lands as money. A memorandum has just been handed to me, stating that a contract has been recently made for four hundred and odd thousand dollars to carry the mail from New Orleans to San Francisco, by way of Vera Cruz and Acapulco. That would make the whole charge for carrying a weekly mail from the Atlantic to the Pacific, after making all the deductions from the postages, $1,100,000. At the same rate of charge, a daily mail could not be carried for less than $8,000,000.

I have been thus particular in noting these things because I want to show where or on which side the balance will be found in the adjustment of the responsibility account between the friends and the opponents of this measure—which will have the heaviest account to settle with the country.

For myself, I am not wedded to this particular scheme. Rather than have no road, I would prefer to adopt other projects. I am now advocating one which I supposed would meet the views of a greater number of Senators than any other. I think great honor is due to Mr. Whitney for having originated the scheme, and having obtained the sanction of the Legislatures of seventeen or eighteen States of the Union. Rather than have the project altogether fail, I would be willing to adopt his plan. It may not offer the same advantages for a speedy consummation of the work; but still, we would have a road in prospect, and that would be a great deal. But if gentlemen are to rise here in their places year after year—and this is the fifth year from the time we ought to have undertaken this work—and tell us it is just time to commence a survey, we will never have a road. The honorable Senator from South Carolina [Mr. BUTLER] says there ought to be some limitation in this idea of progress, when regarded as a spur to great activity and energy, as to what we shall do in our day. He says we have acquired California; we have opened up those rich regions on our western borders, which promise such magnificent results; and he asks, is not that enough for the present generation? Leave it to the next generation to construct a work of such magnitude as this—requiring forty millions of dollars from the Government. Mr. President, I have said that if the condition was a road or no road, I would regard one hundred and fifty millions of dollars as well laid out by the Government for the work; though I have no idea that it will take such an amount. Eighty or one hundred millions of dollars will build the road.

But with regard to what is due from this generation to itself, or what may be left to the next

generation, I say it is for the present generation that we want the road. As to our having acquired California, and opened this new world of commerce, and enterprise, and as to what we shall leave to the next generation, I say that, after we of this generation shall have constructed this road, we will, perhaps, not even leave to the next generation the construction of a second one. The present generation, in my opinion, will not pass away until it shall have seen two great lines of railroads in prosperous operation between the Atlantic and Pacific oceans, and within our own territory, and still leave quite enough to the next generation—the third and fourth great lines of communication between the two extremes of the continent. One, at least, is due to ourselves, and to the present generation; and I hope there are many within the sound of my voice who will live to see it accomplished. We want that new Dorado, the new Ophir of America, to be thrown open and placed within the reach of the whole people. We want the great cost, the delays, as well as the privations and risks of a passage to California, by the malarious Isthmus of Panama, or any other of the routes now in use, to be mitigated, or done away with. There will be some greater equality in the enjoyment and advantages of these new acquisitions upon the Pacific coast when this road shall be constructed. The inexhaustible gold mines, or placers of California, will no longer be accessible only to the more robust, resolute, or desperate part of our population, and who may be already well enough off to pay their passage by sea, or provide an outfit for an overland travel of two and three thousand miles. Enterprising young men all over the country, who can command the pittance of forty or fifty dollars to pay their railroad fare; heads of families who have the misfortune to be poor, but spirit and energy enough to seek comfort and independence by labor, will no longer be restrained by the necessity of separating themselves from their families, but have it in their power, with such small means as they may readily command, in eight or ten days, to find themselves with their whole households transported and set down in the midst of the gold regions of the West, at full liberty to possess and enjoy whatever of the rich harvest spread out before him his industry and energy shall entitle him to. It will be theirs by as good a title as any can boast who have had the means to precede them. We hear much said of late of the justice and policy of providing a homestead, a quarter section of the public land, to every poor and landless family in the country. Make this road, and you enable every poor man in the country to buy a much better homestead, and retain all the pride and spirit of independence. Gentlemen here may say that the region of California, so inviting, and abundant in gold now, will soon be exhausted, and all these bright prospects for the enterprising poor pass away. No, sir, centuries will pass—ages and ages must roll away before those gold-bearing mountains shall all have been excavated—those auriferous sands and alluvial deposits shall give out all their wealth; and even after all these shall have failed, the beds of the rivers will yield a generous return to the toil of the laborer.

But however great the importance of this road, indispensable as it is to the safety and defense of the country in a military point of view; however advantageous to the commerce of the country, and however desirable it may be to the whole population, and especially to the enterprising poor man, I am not encouraged to believe that this measure will receive the sanction of this Congress or of the next. Gentlemen were perfectly right when they suggested that it is very difficult to keep the influence of capitalists out of the consideration of these measures. Capitalists get into our legislative halls, it is suggested. I know of no such influence in the Senate. But capitalists without have an influence. How many and how great are the influences at work against this project, or any other that we could devise for the object? I do not remember to have seen a paragraph in the Washington correspondence of a leading public journal in any one of the large cities, favorable to this bill. The general intelligence conveyed to the country through the leading newspapers, is that it is an impracticable one; that nothing can be done with it; that such and such a project of a different complexion is preferable; and that it is only a waste of time to consider this. This is significant. The honorable Senator from Virginia [Mr. HUNTER] chimes in, and says it is only a waste of time, and we can do nothing with it. I know that he is under no improper influences in his course, except that I feel pretty sure that he is against the road in any shape. I am sorry to see an advantage taken of the interest excited by other business and questions before the Senate to defeat this measure. The resolutions in relation to Cuba, Central America, to the Clayton and Bulwer treaty, British Honduras, the Bay Islands, the Tehuantepec grant, and the Texas debt bill, have each and all of them been magnified into subjects of far greater public interest than the construction of a railroad to the Pacific. In the midst of so many more interesting and exciting questions, it is difficult to get Senators to give any attention to such a project as this. The truth is, that this subject has not the advantage of the outside pressure of personal and individual interest and solicitude, as some other measures have. All the influences of this kind are decidedly against it.

What are these outside influences? It is said that some $30,000,000 or $40,000,000 will be required to complete the Panama railroad. I have heard that a much larger amount than that will be vested in that road. There is the large capital said to be vested in the interoceanic ship-canal project on the route of the San Juan and Lake Nicaragua; there is the Tehuantepec railroad project, which enlists the influence of its millions of capital against this road. Although I do not think those interested in these various enterprises ought to look with any jealousy upon the project of a railroad within our own territory between the Mississippi and the Pacific, yet it is in perfect keeping with human nature that they should do so. There are also several lines of splendid and costly steamers employed in carrying the mails and passengers on both sides of the continent, and forming a communication between the ports of the Atlantic and the Pacific. The proprietors of these lines are all likely to feel some jealousy of the railroad project to connect the valley of the Mississippi and the Pacific, and their influence will be thrown into the scale against it. Not content with the profits of the present, nor with those of the ten years to come before this road can be completed, still, such is the timidity and far-reaching calculations of capital, that there can be no project, however far in the future, but excites some distrust and alarm. We thus have the combined influence of all these great interests to contend against.

The Senator from Virginia [Mr. MASON] says that however important this road may be, it will take twenty years to complete it, and he therefore concludes that the Tehuantepec contract question is more important and a more practical one at this time. I concede a good deal of importance to the Tehuantepec question. We must have the right. It is of great importance that a right of way through the Mexican territory, by the Tehuantepec bay, should be secured to this country; but how does that prove that the road contemplated by this bill should be delayed? If twenty years will be required to complete it, according to his estimate, it is of more importance that it should be commenced at once. I believe it can easily be accomplished in ten years. Four years have already passed since this road should have been commenced.

But there are impediments to the passage of this bill of a different nature from those influences of which I have spoken. There are some gentlemen who are not content with any bill which leaves the eastern terminus of the road unsettled. Some gentlemen of the Northwest want such provisions as will secure the point of terminus at St Louis, or at some point north of that city. We have seen the evidences of this influence in the progress of this discussion. Some gentlemen of the South and Southwest would prefer never to have a road unless it shall have its eastern terminus pointing to their own section of the country. I think they are both wrong. I think the time will come when they will have a road leading from the Southwest to the Pacific, and one from the Northwest, if they do not get it now; and I also think the intermediate position will be occupied in due time. I want one, commence it where you will, northwest, or at the intermediate point looking towards Memphis, or some southern point. Give us one, and you will satisfy me for the present, not doubting that in time all these various sections will be gratified.

The great and the general interest of the country demands that we shall have a road commenced at some point or other; looking forward with confidence to the growth and increased resources of the country as a guarantee that we will have a second road very soon, or at least branches communicating with the main trunk of any one we may now resolve to construct. There can be no doubt that the main trunk will have branches in five years from the time of its construction, looking to all the important points northwest, southwest, and to intermediate points. That is my view of the subject.

On a former occasion, Mr. President, I alluded to the importance of having a communication by railway between the Mississippi river and the Pacific ocean, in the event of war with any great maritime Power. I confess that the debates upon the subject of our foreign relations within the last few weeks, if all that was said had commanded my full assent, would have dissipated very much the force of any argument which I thought might be fairly urged in favor of this road as a necessary work for the protection and security of our possessions on the Pacific coast. We now hear it stated, and reiterated by grave and respectable and intelligent Senators, that there is no reason that any one should apprehend a war with either Great Britain or France. Not now, nor at any time in the future; at all events, unless there shall be a total change in the condition, social, political, and economical, of those Powers, and especially as regards Great Britain. All who have spoken agree that there is no prospect of war. None at all. I agree that I can see nothing in the signs of the times which is indicative of immediate and certain war. Several gentlemen have thrown out the idea that we hold the bond of Great Britain to keep the peace, with ample guarantees and sureties, not only for the present time, but for an indefinite time; and as long as Great Britain stands as an independent monarchy. These sureties and guarantees are said to consist in the discontented and destitute class of her population, of her operatives and laborers, and the indispensable necessity of the cotton crop of the United States in furnishing them with employment and subsistence, without which it is said she would be torn with internal strife.

I could tell gentlemen who argue in that way, that we have another guarantee that Great Britain will not break with the United States for any trivial cause, which they have not thought proper to raise. We may threaten and denounce and bluster as much as we please about British violations of the Clayton and Bulwer treaty, and the Mosquito protectorate, about the assumption of territorial dominion over the Belize or British Honduras, and the new colony of the Bay Islands; and Great Britain will negotiate, explain, treat, and transgress, and negotiate again, and resort to any device, before she will go to war with us, as long as she can hope to prolong the advantages to herself of the free-trade policy now established with the United States. It is not only the cotton crop of America which she covets, but it is the rich market for the products of her manufacturing industry, which she finds in the United States; and this has contributed as much as any other cause to improve the condition of her operatives, and impart increased prosperity to her trade and revenue. As long as we think proper to hold to our present commercial regulations, I repeat that it will require very great provocation on our part to force Great Britain into a war with the United States.

One gentleman [Mr. DOUGLAS] has told us that we are in no danger of a war with Great Britain, for another reason. He informs us that she is under bond to keep the peace with us, because she has large territories on this continent, and on our immediate borders, which she would be sure to lose in the event of a war with us. But Great Britain is under a stronger bond to keep the peace with us just now than any I have yet mentioned. As long as Louis Napoleon shall maintain his

present imposing attitude in Europe—as long as the French Empire stands, with the strong anti-English feeling known to pervade France—Great Britain will not venture to provoke a war with the United States, nor be over sensitive or pugnacious in resisting our pretensions to exclusive control in America.

The late debates in the Senate of the United States have tended to allay the apprehension which existed in this country that the advent of the new Administration would be distinguished by hostile movements in reference to Cuba. It was feared, and not without some show of reason, that the temper and policy of the new Administration, but more especially of that portion of the Democracy which it was supposed would be apt to control its counsels, were decidedly of the annexation type, and adverse to the prospect of peace. We all know that such apprehensions were felt. The Senators from Virginia [Mr. MASON] and Michigan [Mr. CASS] contributed to allay those apprehensions in a good degree, by the unexpected moderation of the tone, especially of one of those Senators, [Mr. CASS;] and, at a later day, we have the views of other Senators, which may be supposed to furnish a clew to the policy of the incoming Administration on questions connected with our foreign relations and the preservation of peace. That we are to have no difficulty—no war with any foreign Power, growing out of our relations with Spain and Cuba, is strongly supported by the views of several southern Senators, who have avowed not only their opposition to any movement of questionable propriety towards the acquisition of Cuba, but regard its annexation as of questionable advantage to the interests of the South, or of the country generally. One Senator took the ground that the annexation of Cuba would be decidedly injurious to the planting interest of the South, and I can hardly suppose that the North will be disposed to force the annexation of Cuba against the wishes of the South. The argument has also been advanced that it is better for the interests of this country that Cuba should remain in the hands of a foreign Power, especially one that would be likely to be neutral in any war in which the United States may be engaged. We would then have the advantage of neutral ports near our own shores. It has been further contended that one of the inducements to the annexation of Cuba is founded on a mistake. It is confidently stated that the relative position of Cuba, no matter into whose hands it may fall, does not give it the command of the Gulf trade—that it is not the key to the Gulf—but that the Tortugas and Key West are the true keys to that trade. These views in relation to the policy of annexing Cuba to the United States may be well founded. I do not propose to go into these inquiries. My object has been to array the several arguments which have been employed to give the country assurances of continued peace.

Still further to strengthen and confirm the expectations of uninterrupted peace of this country, it has been declared that France, the only other great maritime Power besides Great Britain, has not only no motive to go to war with the United States, but that she dare not, so dependent is she, in the straitened condition of her revenue and finances, upon her foreign commerce, which, it is supposed, would be swept from the ocean in a trice, should she engage in a war with us. We hold, it is said, France as well as England under bonds to keep the peace. I beg to say, with the greatest respect for all the honorable Senators whose views I have alluded to on this subject, that I have not the fullest confidence in their arguments, or the conclusions founded upon them. I fear, sir, that many of them are delusive, and by no means safely to be relied upon by the country.

I beg honorable Senators who have spoken so confidently of the insuperable obstacles to a war against the United States, which they suppose exist in the internal condition of Great Britain, in respect to the destitution and discontents of her population, that at no time within a very long period has the laboring population of Great Britain been in a more prosperous and satisfactory condition. The wages of labor has advanced in every branch of industry, and there is no longer any difficulty in finding employment. Some danger, indeed, has been apprehended that there would before long be a deficiency of labor in the United Kingdom. This great and striking change in the internal condition of Great Britain has been effected principally no doubt by the discovery of the rich and inexhaustible gold mines in California and Australia; by the emigration of her redundant population to the United States, in such unexampled numbers, for many years past, and more recently to California and Australia; by the internal activity of all branches of trade and industry, stimulated as they have been by an easy and abundant money market. Nor has the favorable basis of the trade of Great Britain with the United States been the least of the causes which have contributed to diffuse content and comfort among the masses of her population. Then as to the menacing position and aspect of the French Power, so contiguous to her shores—that is a transcient circumstance—the ground of a panic for a day. The policy of the French Emperor must soon be developed, or his power will pass away. If he dreams of invading England, his design cannot be long disguised, nor the attempt delayed. Doubtless as long as a hostile feeling among the French people is fashionable or prevalent in France, and that great people shall continue to be under the control of an Emperor, Great Britain cannot but feel some uneasiness; but allow me to warn the Senate and the country that with whatever trammels or fetters, real or imaginary, Great Britain is supposed to be bound to keep the peace with the United States, let but her honor be at stake, let but a blow be struck at her present proud and elevated position in the eyes of the world, and she will break those fetters in an instant, and vindicate her position and honor at all hazards. Let the United States, under menace of war, seek to drive her from any of her possessions and fastnesses in America, or take from her her newly-created colony of the Bay Islands under color of the Monroe doctrine, and my word for it, neither the destitute condition of her population, nor the importance to her prosperity of the cotton crop of the United States, nor the apprehension of losing the Canadas, nor the fear of the French Emperor, nor even the loss of the advantages of our market for her manufactures, would deter her from the consequences of a war. Nor could she safely do otherwise than accept the issue of war; for the moment she stoops from the lofty position she now occupies, and succumbs under the menaces of any Power on earth, her own power is dissolved.

I can see, indeed, how an adroit English diplomatist and statesman might manage to save English honor, and seek to advance her interest, by receding from certain pretensions, and even surrendering some solid possessions upon condition of receiving an equivalent, or a concession of interests and privileges on the part of the United States of greater value. I doubt not that Great Britain may be perfectly satisfied to withdraw her pretensions to the Mosquito protectorate—to relinquish her assumption of territorial dominion in the Balize, and even to abandon her Bay Island colonial pretensions, if the United States will concede all that the interest of the British Empire demands in the adjustment of the fisheries question, and of the terms of our commercial intercourse with the British Provinces in America. In this way peace and harmony may be successfully maintained between the two great branches of the Anglo-Saxon stock for the present, without dishonorable retreat from past pretensions on either side, should no other cause of quarrel exist or ensue. The only question for the United States would be, whether the supposed equivalent conceded by them was not really of more value than all the fruits of a barren abstraction.

I have said, Mr. President, that the conclusions to which many Senators have come, in regard to the securities we enjoy of perpetual peace, are, in my judgment, delusive. I say, further, that the idea that neither Great Britain nor France would risk a war with the United States, under any circumstance or contingencies which may arise out of questions which have already been agitated in our foreign intercourse, especially with England and Spain, is not only delusive, but if indulged by the people of the United States, would be decidedly mischievous. I must say that the aspect of European affairs and of our international relations at this time, impresses me in a very different manner from what seems to be its effect upon the judgment of others. I do not desire to touch any subject of sectional agitation, or one not agreeable to the Senate; but it is impossible to shut our eyes to the fact, that notwithstanding the profuse professions of amity, of kind and fraternal feeling, by some of the leading public journals of England, and by many of her statesmen—notwithstanding the unqualified terms in which a war with this country is deprecated, and the blessings and advantages of peace commended, there is a growing jealousy and an ill-suppressed hostility to our institutions felt by the whole governing class of Great Britain. The same may be affirmed of all the great Monarchies. These feelings have been in active operation since the events of 1848 to 1852. We have no friends among them. France, isolated as she is, from all the old dynastic Powers, still, with her present political organization, will find employment for her army and navy in America, if she can find no better field in Europe.

We fancy that we hold the bonds of both England and France, with ample securities, to keep the peace with us; and under this delusion we suppose that we may bluster and menace, and assume what doctrines and policy we please in relation to the control of the affairs of this continent, and still involve no risk of war. But let me tell the members of the Senate, and the people of the whole country, if my voice can reach them, that while we indulge the delusion that we hold the bonds of those two great Powers to keep the peace with us, and while we openly boast that they dare not make war upon us; they, on the other hand, more secretly, and therefore more prudently, indulge a similar delusion in regard to bonds which they suppose they hold of ours, and with more ample securities, by which we are bound to keep the peace with them.

This delusion on their part is not founded upon our inconsiderable pretense of a Navy. That could easily be remedied. That is not the idea. Nor is it the defenseless condition of the Atlantic coast, and of our harbors and navy yards, nor the absolute want of any defenses whatever on the Pacific coast, though that would be something to be considered. Some English statesman is said to have stated in Parliament, that Great Britain in possession of the Island of Cuba could, in the event of a war with the United States, cut our commerce in two—as doubtless she could, so far as regards our coastwise trade between the Gulf and Lower Mississippi States and the States on the Atlantic. But Great Britain looks to a more effective mode of warfare than the breaking up of our coastwise trade. If the United States shall attempt to enforce the Monroe doctrine to an offensive extreme—should they go beyond mere menace and bravado, and attempt by force to drive her out of Central America, or in any other way or under any pretext provoke a war, she considers that she holds in her hands a key with which she can unlock an element of war of such potency as to cut the Union in two.

Great Britain supposes that she holds a key with which she can at pleasure unlock an element of public sentiment by which she can stir the blood of her own subjects to such a feeling of hostility to the United States as will reconcile them all to the consequences of interrupted trade and industry, incident to war. I think, sir, that we must be a little blind if we do not already perceive that the initiatory steps have already been taken to prepare the people of England for any future contingency which may possibly give rise to a war between the two countries—however sincere British statesmen may be in desiring that no such a contingency may ever happen. I repeat, that it is impossible that any sagacious American statesman can look on and consider the current of things, not only in England, but on the continent, in reference to American affairs and institutions, and not be impressed with the idea that there is as much of State policy as of sentiment at the bottom. Whence the obstinate persistence of Great Britain? Whence the increased sensibilities of English statesmen to the atrocities of the slave trade? Whence the more than usual tenacity, not only of the two late cabinets, but the present one also, in enforcing the treaty obligation of Spain, in regard to the slave trade? Does any one believe that it is a philanthropic impulse only which prompts Great Britain to menace Spain, and send her dozen ships-of-war to prevent the landing of slaves in Cuba? Or does any one now doubt that it has become a settled

point of English policy, since the correspondence of Lord Palmerston and Lord Howden has come to light, that Cuba shall become like Jamaica? that there shall be no slave-grown sugar in the islands? that Cuba, with the abolition of slavery, shall become worthless, and a burden to Spain? and then we know the sequel.

It is for these reasons, in part, Mr. President, that I regard the idea of an exemption from wars in future, either with England or France, delusive. Not, I repeat, that I see any immediate prospect of war; but I would not, in considering the temper of our own people and the present unsettled condition of Europe, and of our relations with Great Britain and Spain, (to say nothing of France,) be surprised if we should be involved in a war at any time.

As for this road, we are told at every turn that it is ridiculous to talk of war in connection with it; for we will have no wars except those with the Indians. Both England and France dare not go to war with us. I say this course of argument is not only unwise and delusive, but if such sentiments take hold on the country, they will be mischievous; they will almost to a certainty lead to a daring and reckless policy on our part; and as each Government labors under a similar delusion as to what the other will not dare to do, what is more probable than that both may get into such a position—the result of a mutual mistake—that war must ensue? It is worth while to reflect upon the difference between the policy of Great Britain and this country in her diplomatic correspondence and debates in Parliament. When we make a threat, Great Britain does not threaten in turn. We hear of no gasconade on her part. If we declare that we have a just right to latitude 54° 40', and will maintain our right at all hazard, she does not bluster, and threaten, and declare what she will do, if we dare to carry out our threat. When we talk about the Musquito king, and the Balize, of the Bay Islands, and declare our determination to drive her from her policy and purposes in regard to them, we do not hear of an angry form of expression from her. We employed very strong language last year in regard to the rights of American fishermen; but the reply of Great Britain scarcely assumed the tone of remonstrance against the intemperate tone of our debates. Her policy upon all such occasions is one of wisdom. Her strong and stern purpose is seldom to be seen in her diplomatic intercourse, or in the debates of her leading statesmen; but if you were about her dock-yards, or in her foundries, or her timber-yards, and her great engine manufactories, and her armories, you would find some bustle and stir. There, all is life and motion.

I have always thought that the proper policy of this country is to make no threats—to make no parade of what we intend to do. Let us put the country in a condition to defend its honor and interests; to maintain them successfully whenever they may be assailed; no matter by what Power, whether by Great Britain, or France, or both combined. Make this road; complete the defenses of the country, of your harbors, and navy-yards; strengthen your Navy—put it upon an efficient footing; appropriate ample means for making experiments to ascertain the best model of ships-of-war, to be driven by steam or any other motive power; the best models of the engines to be employed in them; to inquire whether a large complement of guns, or a few guns of great calibre is the better plan. We may well, upon such questions, take a lesson from England. At a recent period she has been making experiments of this nature, in order to give increased efficiency to her naval establishment. How did she set about it? Her Admiralty Board gave orders for eleven of the most perfect engines that could be built, by eleven of the most skillful and eminent engine-builders in the United Kingdom, without limit as to the cost, or any other limitation, except as to class or size. At the same time orders were issued for the building of thirteen frigates of a medium class, by thirteen of the most skillful ship-builders in the kingdom, in order to ascertain the best models, the best running lines, and the best of every other quality desirable in a war vessel. This is the mode in which Great Britain prepares for any contingencies which may arise. She cannot tell when they may occur, yet she knows that she has no immunity from those chances which, at some time or other, are seen to happen to all nations. In my opinion, the construction of this road from the Mississippi to the Pacific is essential to the protection and safety of this country, in the event of a war with any great maritime Power. It may take ten years to complete it; but every hundred miles of it, which may be finished before the occurrence of war, will be just so much gained—so much added to our ability to maintain our honor in that war. In every view of this question I can take, I am persuaded that we ought at least prepare to commence the work, and do it immediately.

RECIPROCAL TRADE.

SPEECH OF HON. T. J. D. FULLER,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 22, 1853,

On the bill establishing Reciprocal Trade with the British North American Colonies upon certain conditions.

Mr. FULLER said:

Mr. SPEAKER: Being a member of the Committee on Commerce, which has reported this bill, I take this early occasion to explain my views to the House and my constituents in regard to its provisions. Here I wish to observe, while I profess to be a thorough-going free-trade man in my political principles, I am, at the same time, of the opinion that free trade, in a *few specific articles*, and with one nation or community alone, may result in the most objectionable system of protection, and operate very injuriously with reference to certain industrial pursuits of portions of the country. Such is my opinion of this bill. As a measure, it has a very important bearing upon the revenues of the Government, and the free-trade policy of the tariff of 1846.

The tariff in 1846 was revised, and its details adjusted upon what was then deemed to be the revenue principle, at the same time affording incidental protection to the great industrial pursuits of the country. If there was any portion of the Union which had greater cause of complaint than another in this adjustment, it was the State which I in part represent. The product of her forests was incidentally protected from foreign competition at the rate of twenty per cent., while the great State of Pennsylvania, in her coal and iron fields, was protected at the rate of thirty per cent.—a difference of one half. This bill proposes, so far as it affects the interest of my State, to strike off all incidental protection on its chief product of labor, and leave it to bear the most onerous burdens of the tariff of 1846.

The planters of Louisiana, the hemp-growers of the West, the iron and coal producers of Pennsylvania, the manufacturers in Massachusetts, are all protected at high rates of duty; but Maine, which consumes the products and manufactures of these great States, and pays for their protection, has kindly tendered to her the admission of lumber free of duty from the adjoining British Provinces, for the especial benefit of those interests and sections she is taxed to protect.

There is a law of the sea which quite appositely illustrates the bearing of this bill on my constituents. It is "the prerogative of the great fish to eat up the little ones;" and in no other light can I view the practical application of this bill in its operation upon my State. I desire to look fairly at all the different interests of this great and varied country. I am disposed to favor any proper measures which will so divide the common burdens of taxation that they may fall equally upon all. In this connection, I wish to invite the attention of the House to a few historical facts. In 1824, and prior thereto, the State of Massachusetts was eminently one of commerce and navigation. That State for a time opposed the protective policy, but her interests changed and she became a manufacturing State, and asked for protection. She obtained it. Under that system, notwithstanding its fluctuations, her manufactures have now obtained a firm foothold, and she now seeks a foreign market on the principle of mutual exchanges. That State, with others at the present time, has large investments in railroads and other means of transportation.

This bill is emphatically, as its friends claim it to be, a measure to promote manufacturing and railroad interests, and its adoption is urged upon the ground of the especial benefits it will confer upon those interests. Now, sir, capital is always quick to scent out its own true interests, and never fails to exercise its full share of influence in the halls of legislation. This bill proposes to establish new rules of trade between the British North American Provinces and the United States, which trade, in the aggregate, the past year, amounted to over $18,000,000. By reference to the report of J. D. Andrews, Esq., communicated to Congress by the Secretary of the Treasury at the present session, and to which I wish to pay a deserved compliment for the vast amount of valuable statistical information it affords, exhibiting not only method, but great industry and research, it appears that our gross amount of exports to the British North American Provinces for the last year, was $12,678,279; and the aggregate of imports from those Provinces was $6,218,660. Now, every one knows that under existing laws the industry of the country adapts itself to such laws, and that any material change thereof affects private interests to a very great extent. As an illustration: by our present tariff, gypsum in its crude state is admitted into our ports free of duty; and under my own observation on the frontier of my State, near tide-waters, large investments have been made in mills and machinery for calcining and grinding plaster. This bill proposes to admit plaster manufactured free of duty; the effect of which would be to transfer the process of manufacturing to the *quarry*, or place of shipment in Nova Scotia, and thereby save the expense of transhipment, and the result will follow of the entire abandonment of the present places of manufacturing, and the loss of the capital invested in the buildings and machinery. How stands it with lumber? It is affirmed by the friends of this measure that lumber is scarce; that our forests are fast disappearing, by reason of the great demand for it, and that it is, at the present time, enormously high in the markets; that lumber must be placed in the free list of articles, for the purpose of cheapening it to the manufacturing districts, which are great consumers of it. Admit it to be so. Are not the woolen shirts, the satinets, the cottons, the boots and shoes, iron, hemp, and cordage, produced in other sections of the country, quite as indispensable to the producers of lumber as is lumber to the producers of these articles? Any measure which partakes of incidental protection, in the shape of duties, to defray the expenses of the Government, should be so adjusted as to bear equally on all, and this is all I contend for. Any system which stops short of this must work unequally, and produce great discontent and dissatisfaction.

Now, what are the facts in relation to lumber? Lumber, in its varied forms of manufacture, is at this time, and for many years will continue to be, an article of export from our country.

By the annual report of commerce and navigation of the past year, it appears that the United States exported to foreign countries over three hundred millions feet of lumber, and of the approximate value of $3,000,000; while for the same period of time we imported only about $800,000 worth, notwithstanding the long-extended line of frontier bordering on the British Provinces. Is there, then, any foundation in the allegation that lumber is becoming scarce in the markets of our own country, while our lumbermen are seeking a foreign market for their surplus? Our merchants export lumber largely to Spain on the Atlantic and Mediterranean, to France on the Atlantic and Mediterranean, and to the West India Islands.

My friend from North Carolina [Mr. ASHE] laid upon my desk this morning a statement of the exports from the port of Wilmington, in his State, one of the items in which statement is seventeen millions feet of lumber exported the past year.

Now, that this free-trade *project* with the North American British Provinces will operate, and is so intended, beneficially to the manufacturing interests, and to capital invested in railroads, I do not deny. On the other hand, it is just as evident

that it will operate to the injury of agricultural producers, and to the producers of the raw material. IT IS A TARIFF MEASURE, *and it should be so understood.*

I caution the friends of liberal principles and free trade, that they be not ensnared by this seductive proposition to get up a free-trade system in part, without looking into its details and practical effect, *to see that in other respects it does not become more protective.*

It is well known that repeated attempts have been made in this, and the last Congress, to substitute specific duties for *ad valorem* ones by the friends of protection, under the specious allegation of preventing frauds on the revenue, while the real object was to obtain higher protection. Failing in this—failing to put a dollar in their pockets, the next resort is (*and this is that measure*) to save paying out a dollar in the shape of duties on the raw material *which they must necessarily consume in the business of manufacturing*. Our protective friends have quite suddenly become the advocates of the free-trade policy on such articles as they wish to buy, and desire, no doubt, all the incidental protection they can obtain in the form of duties on what they have to sell. I do not complain of them, for it is an illustration of the maxim, that men are very much inclined to consult their own interest in legislation as well as in other matters.

Maine is a large lumber-producing State. From reliable data, I have ascertained her exports of lumber coast-wise and to foreign countries amount annually to about five hundred million feet. Between that State, as an integral portion of the Union, and the neighboring British Provinces, there can be no interchange of commodities. Why? Because in soil, in climate, in production, they are similar: and so it is in our consumptions. We must travel the same road, carry the same articles, and sell in the same market, and return with the same exchanges.

In this aspect of the case, we shall find ourselves in the same condition with the Provinces, with this exception: for what we buy, we must pay thirty per cent. higher for the protection of the interests of other States, while they can purchase from the open markets of the world thirty per cent. cheaper than we can. Now, if this sacrifice is to be made of the interests of one portion of our people, for the benefit of another portion, it becomes an interesting matter of inquiry, and a very grave question for Congress to determine, how great that sacrifice is to be, and who shall be the victim. For one, I am bound to say that my constituents shall not be made the victims without an effort being made on my part to prevent it.

In this lumber trade, how do these Provinces stand? Great Britain levies a discriminating duty of five dollars per thousand feet on lumber imported from the United States, and about a dollar upon provincial lumber.

This is prohibitory of the export of lumber to the British markets. The Provinces export to the mother country about four million dollars' worth per year; and not content with this exclusive market, they desire an equal participation in our own markets, for the reason, that the difference of freight on so cumbrous an article of merchandise, is nearly equal to a third of its value. Even with the condition contained in the bill, that Great Britain shall receive our lumber at the same or no higher rate of duty than we may admit provincial lumber, no adequate consideration is furnished for the free exchange—for the simple reason that a distant market is not an equivalent for a near one.

I deny that lumber is now too high, or that it pays more than remunerating compensation. For a period of ten years prior to the last two years, it did not pay for the expense of manufacturing; and no man who did not own mills and timber land, and who was embarked in the business, escaped bankruptcy. To this cause is the fact owing that so many of the failed lumbermen of my State are now engaged in opening and working the pine forests of the northwestern States.

There is an abundant supply of lumber in the eastern States fully adequate to the demands of our own market. My colleague from the Penobscot district, and myself, represent a tract of territory approximating to twenty thousand square miles, being two thirds of the area of the whole State, and a very large portion of that territory is now green land covered with various descriptions of timber.

But what other equivalents do the friends of this measure propose, as an offset for the losses I have shown that we must sustain in this trade, of selling out the interests of Maine? It is the free navigation of the St. Lawrence. Now, of what value will that be to us? And how much shall we use it after we purchase the right? If I can show that the Provinces themselves will use it less and less, by reason of other preferable modes of transit being created, then I suppose, by parity of reason and interest, it will be of less comparative value to us. What I am about to say of the St. Lawrence is, in a measure, applicable to the Mississippi river.

The time was when the right to navigate those great inland arteries was considered indispensable, they being the only outlets for the productions of the countries which they drain. But the power of steam is substituting new and more direct outlets, for the circuitous ones through the Gulf of the St. Lawrence and around the Florida keys.

The same policy which is now tapping by railroads the great valley of the Mississippi at different points, and terminating on the Atlantic coast, and building up cities, is now beginning to divert the trade of the Canadas from the mouth of the St. Lawrence to the Atlantic cities. The Portland and Montreal railroad, the three roads leading through Vermont, and the Ogdensburg road, are all inviting the exports and imports of Canada over their tracks, rather than to have them seek the dangerous and difficult navigation of the St. Lawrence, inaccessible a very considerable portion of the year.

Our own Government has very wisely secured, by legal enactments, the privilege of the *through transit* of Canadian imports and exports over these roads, and that privilege is now extensively used.

It is further said, if this bill does not become a law, the Canadian Government will prohibit the use of their canals to our citizens, as a retaliatory measure. Well, sir, if they should see fit to adopt that policy, I would, as a Yankee, smile at their folly, and increase the facilities for their use of our roads by reduced tolls, and thereby secure more freight for the roads. What further are we to receive as equivalent? It is answered, the free navigation of the river St. John. Maine once bought and paid for that privilege. The only consideration of any value connected with this proposition, is the abolition of the provincial export duty on lumber the growth of Maine. All the lumber the growth of Maine, and which is manufactured in the Province of New Brunswick, may be admitted free of duty, at any time, if we choose to have it so by our laws; and in my judgment, it should be so. The reason is this: all the streams which feed the St. John, flowing from Maine, as they unite with the St. John, have dangerous falls near their junctions, so that the timber can only be floated down in the round log, and necessarily must be manufactured at the place of shipment—the city of St. John. A duty on this lumber, if brought into the United States, is a tax on our own citizens, for the privilege of using in the only practicable way the waters of the St. John, *for which right Maine reluctantly consented to part with a large portion of her territory as an equivalent.*

But there is another consideration which I wish to present. The lumber trade, which is an immense interest throughout the United States, scarcely inferior to the coal and iron trade, enters into all conditions of life. I have spoken of the quantity of lumber Maine exports. In that estimate I included long lumber only. There are other kinds of lumber—shingles, clap-boards, laths, Hackmatac timber, ship timber, wood, and bark. For this description of lumber, the principal market is the United States, and there is no other, not even the distant British markets. Upon the St. Croix river, where seventy of the five hundred millions before spoken of were manufactured, one hundred and fourteen millions of laths were also manufactured; of which the cities of Boston, New York, Philadelphia, and Baltimore were large consumers. The value of this kind of short lumber, as it is called, is made up wholly of the labor employed in the manufacture, the material being the refuse of other lumber. It furnishes employment for a great many persons, whose families are dependent upon the trade for their support. By including this description of lumber in the free list, most ruinous consequences will follow; for in the production of this kind of lumber, I am free to admit, our people cannot compete with their provincial neighbors. The same is true of wood and hemlock bark.

I next come to consider the fishery difficulty; which question, as I believe, has been designedly thrust into this bill by the friends of reciprocity in both Governments. That it is a question of some difficulty, and quite likely to become one of embarrassment to the Government, I have no doubt; and my constituents, who will be a portion of the sufferers, so long as it remains an open question, have a strong desire to see it satisfactorily adjusted; and to this end are willing to concede something. But they ask and will insist that our Government shall protect them in the free exercise of their just rights; and above all, from petty provincial annoyances, designed to coerce them into a submission to what is manifestly unjust.

My amendment proposes to strike out all after the enacting clause in the bill, and insert in lieu thereof the following proposition:

That whenever the British Government shall permit American citizens to enjoy the same rights in catching and curing fish as British subjects now do, or shall hereafter enjoy, then British caught and cured fish may be admitted into the United States free of duty.

This proposition is a fair one, as I will proceed to show. In the deep-sea fisheries, American citizens possess all the rights and privileges which British subjects do; also in a portion of the shore fisheries, but not in all. The extent of the exclusive right in the shore fisheries is a disputed question between the two Governments. Now, yielding to the lower Provinces the value of the right to the exclusive shore fisheries which they claim for it, I propound this interesting question: "What are the fisheries worth to them, or any one else, without a market for their catch?" They are not valued for mere pastime. Where do the Provinces find their chief market for fish? I answer, the United States. The importation of fish from the lower British Provinces the past year was something short of $1,000,000 worth. To show, further, the state of the markets of the world, I have copied and read extracts from the official report of Moses H. Perley, Esq., made to the Governor of New Brunswick, and by him laid before the Provincial Legislature in 1850, on the subject of the sea and river fisheries of that Province:

"FOREIGN MARKETS FOR FISH.—As a knowledge of the markets for fish properly cured, is matter of great importance, the writer has been at some pains to acquire information as to the amount of duties and restrictions in Europe and America, which is here submitted.

"A large proportion of the pickled herrings of Scotland go to Prussia, and the States under the Germanic Union of Customs; this is in consequence of the low duty. In the Germanic Union the duty is 3*s.* sterling per barrel on salted herrings, and 1*s.* per barrel on smoked herrings; the quantity of Scotch herrings sent there annually is 150,000 barrels.

"Austria, an adjoining country, to which there is easy access from Prussia, probably receives some of the British herrings; but the duty there is 4*s.* sterling per barrel, besides a transit duty of 1*s.* 6*d.* per barrel on all herrings passing through Prussia, to Austria or Poland. In consequence of these duties, British herrings, instead of becoming a staple export to Austria, as they ought to be, to the Catholic population of that large empire, are reserved as objects of luxury to the higher classes. The loss of a direct trade with Austria deprives the British merchant of a rich market, which would carry off many thousand barrels of herrings.

"Russia is another country to which a large export of herrings might be made, but a heavy *ad valorem* duty is assessed upon them, the value being calculated from the first imports of the season, which brings an extravagant price. In Russia, also, fish are exposed to the injurious practice of *bracking*, which consists in opening the barrels, and removing the contents to inspect them.

"In France, the duties on the importation of fish are as follows: Foreign fish by French vessels, per 100 killograms, 40 francs, or £1 12*s.* 6*d.* sterling; if imported in foreign vessels, or by land, 44 francs, or £1 15*s.* 2*d.* sterling. These high duties entirely exclude British fish from the French market.

"In Holland, the importation of all kinds of salt fish are prohibited.

"In Belgium, the duties on British fish of every kind vary with the season at which the importation takes place, as also whether imported in a British or foreign vessel; but all the duties are so high as to exclude herrings and dried fish.

"No British fish have been sent to Sweden or Denmark; the reason for this is not ascertained, but the extensive fisheries of Norway preclude the hope of a market in that quarter.

"Smoked herrings are sent from Scotland to Geneva, Leghorn, Naples, Sicily, Venice, and Trieste. In Naples and Sicily, the duty is estimated at 10*s.* per barrel, which added to the freight, renders the article a luxury, and keeps it from the greater part of the population.

"Imports of British fish, on a small scale, are received in Sardinia, Tuscany, the Roman States, Greece, and the Ottoman Empire, with all of which a trade of some extent might be established but for the uniform system of high duties kept up in each.

"One or two vessels are cleared annually at St. Johns, Newfoundland, with dried fish for the Ionian Islands, and for Egypt; but of the value of the trade in those quarters no exact information has been obtained.

"In Portugal, the duty on cured fish is fixed at 1,600 reis, or about 9*s.* sterling per quintal. The object of this high duty was to protect a fishing company whose operations have failed, and it is now urged that Portugal ought to relax this duty, and allow the admission of British fish on terms in accordance with the reciprocal good relations which subsist between Portugal and Great Britain as to other articles of general commerce.

"In Spain, foreign fish of all kinds, fresh, salted, or dried, except codfish and stockfish, are prohibited. If these are imported in the vessels of Spain, a duty of thirty per cent. is charged; if in foreign vessels, the duty is forty per cent., and this difference gives the carrying-trade to the Spanish vessels. Great numbers of Spanish vessels resort annually to Newfoundland for cargoes of dry fish, and some of these vessels have also visited Halifax for the same purpose. But none of the vessels of Spain have yet visited the ports of New Brunswick, although the fish caught near its shores are equally as good as those of Newfoundland or Nova Scotia—their cure is so bad that they are altogether unfit for the market of Spain.

"With the Spanish islands of Cuba and Porto Rico, an extensive trade might be carried on in fish in return for tropical products if the fish of New Brunswick were properly cured and dried to stand the climate and give satisfaction to the consumers. The writer has procured, from Washington, translations of the several tariffs of duties levied on fish, in Cuba and Porto Rico, from which it appears there are four separate rates. The lowest rate is on Spanish fish imported direct in a Spanish vessel; the next, on foreign fish imported from Spain in a Spanish vessel; the third rate is on fish imported direct from foreign countries in a Spanish vessel; and the fourth and highest rate, is on foreign fish imported in a foreign vessel. Under the last of these rates, pickled herrings are subject to a duty of thirty-three and a half per cent., the value being established at an uniform rate of $4 50 per barrel; the amount of duty is therefore $1 52 per barrel. Dried fish of all kinds pay a duty of twenty-seven and a half per cent., the value being fixed at $3 50 per quintal of 100 pounds; the duty is therefore ninety-seven cents per 100 pounds. When foreign-caught herrings and dried fish are imported in a Spanish vessel, they pay rates of duty amounting to $1 07 per barrel on herrings, and sixty-nine cents per 100 pounds on dried fish. If vessels load a full cargo of produce at any of the ports of Cuba or Porto Rico, an allowance of one fifth is deducted from the duty on the inward cargo. The tonnage duty on foreign vessels is seventy-seven cents per ton; but if they load with full cargoes of molasses, they are free from the tonnage duty.

"Some of the badly-cured fish, mentioned by Mr. Allison, which were shipped to Cuba last season, having been sold there, the following is furnished as the account of sales, dated Matanzas, November 26, 1850:

Sales.

Fifty drums fish, weighing 22,005 pounds, sold at $2 75	$605 01

Charges.

Note of duties	$2 01
Duties on 22,200 pounds, at $3 50	217 05
Balanza—one per cent. on duty	2 01
Freight per bill of lading	58 02½
Labor, weighing, and delivering	10 00
Commission, five per cent. on $605 01	50 02
	$320 03½
Net proceeds	$284 05½

"In Brazil, the duty on dried cod is 2,500 reis the quintal of 100 pounds; on other fish, the duty is twenty-five per cent. on their valuation. At Pernambuco, on the 21st of October, 1850, the price of dried cod was 10 milreas—2000 reis the 100 pounds. The exchange was then at 28½ pence sterling the milrea; consequently the price of dried cod was equal to £1 4*s.* 11*d.* sterling per 100 pounds, and the duty 5*s.* 11*d.* on the same. The milrea is an imaginary currency, the value of which is governed by the exchange on London, and fluctuates accordingly.

"In the United States, all fish pay a duty of twenty per cent. *ad valorem*, under the tariff of 1846. Besides the markets for fish in the sea-board cities of the Union, there is a large and growing demand for fish in those States which border on the great lakes, and which may be supplied through Canada by the St. Lawrence. There would seem to be an almost unlimited demand for pickled herrings, as well in those States as in Canada West, if caught in proper season and well cured; when sufficient care in these respects is taken, the rapidly-increasing population of the vast fertile districts of the West, near the great lakes, whether Canadian or American, will long continue to offer a sure and profitable market for the products of the fisheries."

Now, in this same connection, I wish to show further, the quantities of fish imported under the tariff of 1842, when the duty was *specific*, and amounting to about one dollar per quintal; also, the increased quantity imported under the tariff of 1846 for the same length of time, the duty being only twenty per cent. *ad valorem*, and from this increase of importation show how much greater the importation will still be, if *all* duties are removed. Then I say, for the purpose of preventing all future difficulty and dispute, upon a question which ever will be a prolific source of discord and neighborly irritation, I propose the establishment of the principle of free fishing and free markets for fish. It may be regarded as hard by the fishermen, but it will be better for them than the present state of things.

If, however, our provincial neighbors shall decline, or the home Government shall refuse to adjust this vexed question on such a basis, and the Provinces shall continue their annoyances upon our fishermen, another alternative may be presented for their consideration, to wit: the imposition of a duty on fish which shall be prohibitory of importation in its operation, as is the duty imposed by France.

The following table shows the operation of high and low duties on the importation of salted fish in barrels. I have not had time to prepare a table of all descriptions of fish imported in the same period:

Under tariff of 1842.

1842	14,678
1843	12,334
1844	43,542
1845	30,506
1846	21,402
	133,452
Average number of barrels per year	26,490

Under tariff of 1846.

1847	31,113
1848	122,594
1849	158,508
1850	108,300
1851	145,368
	546,683
Average number of barrels per year	109,116

I have a word to say in relation to the amendment of the gentleman from North Carolina, [Mr. CLINGMAN.] His proposition is, to open our coast-wise trade to the competition of the world. I am not disappointed in this proposition. I expected it. When the protectionists of New England and other States ask for the free admission of raw materials, why should not the southern States ask to have the coast-wise carrying-trade thrown open to the world? *Shall we repeal our navigation laws* whether the European nations shall permit our vessels to engage in their coast-wise trade or not? Should we throw open our valuable California carrying-trade to the competition of the world? In our foreign trade I have no fear of competition.

Now, sir, representing as I do particular interests, I wish to ask if our people, who are scattered through our forests, felling our trees, to be floated down the streams upon the melting of the winter snows, without knowledge or suspicion of this measure, are to have this law sprung upon them, the effect of which will be most unjust and injurious?

I do not refer to this for sectional purposes, but it is proper and legitimate that I should say, that while we are legislating for all interests, we should so legislate as not to destroy and break down any particular interest; and especially that of a people who have to struggle along under the disadvantages of a rigorous soil and climate.

Let me say that if you value your mercantile marine—if you consider your commerce as the right hand of your strength, and as a means to promote your growth and prosperity, break us not down, and paralyze not the energies of those who, from necessity, are driven into a seafaring life, but rather build us up and sustain us. Let me say, and appeal to the history of the world for the truth of the assertion, that where men find a warm sun over their heads, and a rich productive soil under their feet, they will not venture upon an ocean life, and expose themselves to the perils of the sea. Who were the men who first explored our continent? Men, sir, from the high and cold latitudes of the north of Europe. They visited our coasts in vessels far inferior to those of the present day. It has ever been found necessary, and ever will be, to look to the North, where men are always compelled to struggle with the elements, for your effective mercantile marine.

And further: While some of our western friends think the bounties paid to these fishermen are unjust, I say that the moment you strike down these bounties, and turn off these men, you give yourself a wound that years cannot heal. You may cultivate the valley of the Mississippi, but you cannot build ships and make sailors.

Mr. JONES, of Pennsylvania. Do I understand the gentleman to say that he wishes the duty on lumber to remain as it is, solely for the purpose of revenue; or does he wish the incidental benefits which may arise out of it, as an incidental protection to the lumber trade?

Mr. FULLER. My answer is, *take off duties on everything and we are content; but if you put the duties on, put them on equally.* We do not want to pay thirty per cent. for all the iron we put into our ships, and have lumber made duty free. That would be unjust, as I presume the gentleman will not deny.

Mr. JONES. I agree with the gentleman fully, and I only inquired that I might understand whether I comprehended him correctly.

Mr. FULLER. Under the tariff of 1846, we came off third best with Pennsylvania; she got thirty per cent. on iron, and we got twenty per cent. on fish and lumber.

The great point I make is, THE EQUALITY OF TAXATION. "Equality is equity." If duties are imposed upon iron for revenues, so should duties be imposed upon lumber for the same purpose. One kind of property should bear its proportion of the public burdens as well as another.

EXPLORATION OF THE INTERIOR OF AFRICA.

SPEECH OF HON. J. W. MILLER,

OF NEW JERSEY,

IN THE SENATE, *March 3*, 1853.

On the Exploration of the Interior of Africa, and in favor of recognizing the Independence of Liberia.

The Naval Appropriation bill being under consideration—

Mr. MILLER offered the following amendment:

For equipment, maintenance, and supply of an expedition for the exploration of the interior of Africa eastward of Liberia, and the ascertaining of the resources of that region, and for the colonization of the free blacks of the United States, to be expended under the direction of the Secretary of the Navy, $125,000.

Mr. MILLER said:

The Secretary of the Navy addressed a letter to the chairman of the Committee on Finance recommending this appropriation, with an estimate, and requesting that the appropriation should be made. It has not been acted upon by the committee, and I have thought it my duty to present this amendment for the action of the Senate. The Senate will recollect that the Secretary of the Navy, in his annual report, directed the attention of the President and the country to this subject. I will read a short extract from that report:

"In Commander Lynch, to whom the country is already indebted for important service in another field, I have found a prompt and ardent volunteer for this employment. He is now on his way to the African coast. He will land at Liberia, Cape Palmas, and other points, and will pursue his inquiries as far as the river Gaboon, with a view to the ascertainment of such localities on the margin of the African continent as may present the greatest facilities, whether by the river courses or by inland routes, for penetrating with least hazard to the interior. He will collect information touching the geographical character of the country, its means of affording the necessary supplies of men and provisions, the temper of the inhabitants, whether hostile or friendly, the proper precautions to be observed to secure the health of a party employed, and all other items of knowledge upon which it may be proper hereafter to prepare and combine the forces essential to the success of a complete and useful exploration of the interior. In the performance of this duty, under the most favorable circumstances, he will encounter the perils of a climate famed for its unwholesome influence upon the white man, and may hardly hope to escape the exhibition of hostility from the natives. The spirit which has prompted him to court this perilous adventure, so honorable to his courage and philanthropy, I trust will enable him to brave every hazard with success, to overcome every obstacle in his progress, and to reserve himself for the accomplishment of the great object to which these preparations are directed. In the mean time, I most earnestly commend the subject of the exploration to the early and favorable attention of Congress, with the expression of my own conviction that there is no enter-

prise of the present day that deserves a higher degree of favor, or that will more honorably signalize the enlightened policy of this Government in the estimation of the present or of future generations. It will require a liberal appropriation of money, and an enlarged discretion to be confided to the Navy Department for the organization and arrangement of a plan of operation which must embrace the employment of a number of men, the supply of boats, armaments and tools, and the enlistment of such scientific aid as a long and laborious inland exploration, beset with many dangers and difficulties, will suggest."

It will be perceived by the Senate that this expedition has two objects in view. The first is the exploration of the interior of Africa, and especially of that portion of western Africa lying directly east of the Republic of Liberia, for the purpose of developing its natural wealth and commercial resources. It is believed by those who have looked at this subject, that there is a large region of country directly eastward from Liberia, of a higher elevation, more productive and healthy than that bordering on the coast. England has paid considerable attention to the exploration of Africa, for the purpose of developing its resources in reference to her own trade with the interior tribes. Our own interests, as well as the calls of humanity and of civilization, demand that we should do something for the improvement of Africa.

The country intended to be explored, lying between the meridians of 20° west and 20° east, (Greenwich,) and the parallels of 5° and 15° north latitude, is an inhabited country, of which we have sufficiently authentic accounts, from actual observation by white men and reliable reports of natives, to warrant our belief that there live upon it many millions of people, who need, and are desirous to receive the products of the agriculture and manufactures of more civilized nations. Towards that country adventurous explorers have made essays from the English possessions on the west; from the mouth of the Niger in the south, and also from the Mediterranean. The British are now endeavoring to trade with it from Sierra Leone, and from the Gold Coast. Between these two localities lies the Republic of Liberia, offering the only means of access which can be securely open to the activity of the United States. Hence the question of exploration opens the question whether or not the United States shall have a proper share of the great inland traffic of Africa.

The second object is one which I consider of a character eminently national. It is for the purpose of aiding in the colonization of free persons of color from the United States into Africa. The present position of these people in the United States makes it necessary that we should do something for their relief. Several of the free States of this Union have passed laws excluding this unfortunate class of men from their limits. The only way of relief open to them is a more rapid emigration from this country to Africa. To promote and encourage this, is one of the objects of this expedition.

Recent discoveries, aided by modern improvements, are producing strange and astonishing changes in the condition and affairs of the world. Under these operations the hitherto abandoned and despised portions of the world are becoming the most attractive, and the waste places of the earth the most productive. Wealth is escaping from its old investments, and population is flying from its crowded homes to wild and distant countries, in search of higher profits and more prosperous business. Lands hitherto rejected for their sterility, and countries despised for their barbarism, are now sought for with avidity on account of the richness of their natural productions and their fitness for the abode of civilized man.

The convict's land Australia, and the Indian's hunting ground in the Pacific, now command the respect of the civilized world, and by the abundance of their golden treasures, regulate the exchanges of London and New York, and give tone and character to the commerce of the world.

Let no man hereafter condemn any portion of God's earth as hopeless and useless.

Africa, doomed and despised as she has been, by the opinion of the world, is in no less forlorn condition than were Australia and California ten years ago. It needs but exploration and development to bring forth her natural wealth for the use of man. But I have not time now to go into this subject at large. I believe that Africa is about to open one of the richest fields of commerce in the world. It needs only exploration and development, to make it one of the most attractive and profitable regions. I therefore think that this expedition will be of more service to the country and the world than any of the recent expeditions projected by this Government.

Mr. President, a few days since I presented to the Senate a resolution of inquiry relative to the acknowledgment of the independence of the Republic of Liberia. I sought on several occasions to bring that resolution before the Senate for consideration, in order that I might give to the country the reason which induced me to offer it; but the time of the Senate has been so occupied that no opportunity was afforded me to do so. As the subject now under consideration is german to that question, I will take this occasion to give to the country the reasons why I think the Government of the United States should acknowledge the independence of Liberia.

I was induced to offer that resolution in consideration of the notorious fact that Liberia has existed as an independent Republic for five years, without any official recognition by our Government, while England, France, Prussia, and Brazil have acknowledged her nationality, and received her into the family of nations.

This silence on our part to notice the first and only free Government upon the Continent of Africa, is the more remarkable when we consider the origin and history of that Republic.

Liberia is of American origin, nurtured and protected through all the trials and dangers of colonial life up to her present national existence by the benevolence and enterprise of our citizens. Associated with the names, and sustained by the influences of the greatest statesmen and the purest philanthropists of America, her humble history connects itself with our own, and forms one of the most interesting chapters in our national annals.

On the 24th of December, 1816, a meeting was held in this Capitol for the purpose of adopting measures to assist in the formation and execution of a plan for the colonization of the free people of color, with their consent, in Africa. This meeting, though small in numbers, was great in the moral, intellectual, and political characters of the men who composed it. Henry Clay presided over its deliberations, and John Randolph and other distinguished public men of that day took part in the discussions which led to the unanimous adoption of the following preamble and resolutions:

"The situation of the free people of color in the United States has been the subject of anxious solicitude with many of our most distinguished citizens, from the first existence of our country as an independent nation; but the great difficulty and embarrassment attending the establishment of an infant nation, when first struggling into existence, and the subsequent convulsions of Europe, have hitherto prevented any great national effort to provide a remedy for the evils existing or apprehended. The present period seems peculiarly auspicious to invite attention to this important subject, and gives a well-grounded hope of success. The nations of Europe are hushed into peace; unexampled efforts are making in various parts of the world to diffuse knowledge, civilization, and the benign influence of the Christian religion. The rights of man are becoming daily better understood; the legitimate objects of government, as founded for the benefit and intended for the happiness of men, are more generally acknowledged, and an ardent zeal for the happiness of the human race is kindled in almost every heart. Desirous of aiding in the great cause of philanthropy, and of promoting the prosperity and happiness of our country, it is recommended by this meeting to form an association or society for the purpose of giving aid and assisting in the colonization of the free people of color in the United States; therefore,

"*Resolved*, That an association or society be formed for the purpose of collecting information, and to assist in the formation and execution of a plan for the colonization of the free people of color, with their consent, in Africa, or elsewhere, as may be thought most advisable by the constituted authorities of the country.

Four days after, at an adjourned meeting, the first constitution of the American Colonization Society was adopted, and on New Year's day, 1817, the following officers of the society were elected:

President: Bushrod Washington. Vice Presidents: William H. Crawford of Georgia; Henry Clay of Kentucky; William Philips of Massachusetts; Henry Rutgers of New York; John E. Howard, Samuel Smith, John C. Herbert, of Maryland; John Taylor of Caroline, of Virginia; Andrew Jackson of Tennessee; Robert Ralston, Richard Rush, of Pennsylvania; John Mason of the District of Columbia, and Rev. Robert Findley of New Jersey.

Immediately after the organization of the society, the following resolution was adopted:

"*Resolved*, That the President and Board of Managers be, and they are hereby, instructed and required to present a memorial to Congress on the subject of colonizing, with their consent, the free people of color of the United States, in Africa or elsewhere."

The memorial here referred to, was signed by Bushrod Washington, President of the society, and was on the 14th of January, 1817, presented to Congress. I will read two extracts from this memorial, in order to show to the Senate that the great men who originated the plan of African colonization were influenced by high national considerations, and that the final and grand object of their patriotic enterprise was the establishment of free national government in Africa; the successful result of which, after forty years of labor, my resolution was intended to acknowledge and proclaim to the world.

The memorial says:

"Your memorialists are delegated by a numerous and highly-respectable association of their fellow-citizens, recently organized at the seat of Government, to solicit Congress to aid with its power; the patronage, and the resources of the country, the great and beneficial object of their institution—an object deemed worthy of the earnest attention, and of the strenuous and persevering exertions, as well of every patriot, in whatever condition of life, as of every enlightened, philanthropic, and practical statesman." * *

"Your memorialists beg leave, with all deference, to suggest that the fairest and most inviting opportunities are now presented to the General Government for repairing a great evil in our social and political institutions, and at the same time for elevating, from a low and hopeless condition, a numerous and rapidly-increasing race of men, who want nothing but a proper theater to enter upon the pursuit of happiness and independence, in the ordinary paths which a benign Providence has left open to the human race. Those great ends, it is conceived, may be accomplished by making adequate provision for planting in some salubrious and fertile region, a colony to be composed of such of the above description of persons as may choose to emigrate; and for extending to it the authority and protection of the United States, until it shall have attained sufficient strength and consistency to be left in a state of independence."

In the month of February, 1820, the ship Elizabeth sailed from the United States with eighty-six passengers; they were free people of color, voluntarily emigrating from this country to the western coast of Africa, to make a permanent settlement there. The good ship carried them safely to their destination. From this small plantation of legally-manumitted slaves there has grown up in the course of thirty years, a nation containing, of emigrants and natives, two hundred thousand inhabitants, governed by a republican form of government, with a written constitution like our own, and exercising an undisputed dominion over seven hundred miles of sea-coast, with an extent of inland territory yet undefined, and commanding by its position the trade and commerce of western Africa.

The establishment of the Republic of Liberia is one of the most remarkable events in this most eventful age. History furnishes no parallel either as to its origin, the motives which induced it, or the means used to bring about the grand result. It commenced a private enterprise, not of gain, but of benevolence. The inducing cause was humanity. The means used, Christian charity. Its great objects, the relief of two continents from the evils of slavery and barbarism. Its grand result, civil and religious liberty to a whole race of men. But what is still more remarkable, all these great objects have been accomplished, legally, justly, and peacefully; without aggression or wrong; interfering with no man's rights, intervening upon no nation's prerogatives, and by its quiet and lawful progress exciting neither the passions nor the prejudices of any, Liberia is the first Republic ever established without revolution, war, or bloodshed.

The patrons of African colonization were neither fanatics nor agitators. They occupied an unappropriated field of usefulness, and nobly have they cultivated it. The objects of their beneficence were outcasts from Government and country. They took up the slave after law and Constitution and master had released their obligations over him. They found him outside of social and political relations, isolated, degraded, and forsaken. They pursued him when the *law* was a *fugitive* from the slave, and not he a fugitive from the law; and when neither master nor State nor Govern-

ment would own him or protect him. This beneficent enterprise took the outlaw under its guardian care, and has given to him a name, a character, and a country.

During the time this great work was in progress, it received the aid and approbation of the wise and good men from all sections of the country. President Monroe was one of its earliest and warmest friends; and there is a "Monroe doctrine" as to colonization in Africa, as well as to colonization in America, equally orthodox, although not quite so popular. It also received some collateral aid from the Government itself. So national was the object, so catholic was the feeling in favor of its success, that even the strictest constructionist expressed the regret that there was not a clear power in the Constitution to enable the Government to adopt the enterprise as its own, and to extend to it national aid and protection. It is perhaps well that the Government did not interfere, for the work has been done without the exercise of any doubtful powers. That which politicians hesitated to do; that which our Constitution with all its liberty had not the power to accomplish; that which armies and navies could not force into existence, has been peacefully accomplished by private enterprise, instigated and supported by Christian charity. And now, sir, the work being done, and the grand result made manifest to the world, the question is whether we shall acknowledge the event and stamp it with the official approbation of the nation. In my opinion both national honor and national policy demand that we should do so. No one can doubt our power, and the question is one of expediency merely. Is it expedient for the United States now to acknowledge the nationality of Liberia?

In treating this question, I intend to confine myself mainly to a commercial view of the subject.

For some years past the European commercial nations have, with a view to settlement and trade, turned their attention to Africa. For these objects, England has established, and now maintains with much energy, her colonies at Sierra Leone, upon the Cape, and at other points on the coast. France also has her possessions at Algeria. No one, I think, can at this day mistake the policy of England with regard to unappropriated fields of commerce. We have a most striking illustration of this in that mighty political and commercial dominion which she has secured in the East Indies, and in her attempts upon South and Central America. No country is too remote, no island too distant, for her ships. No tribe nor class too savage or insignificant for her barter. Bushmen and Hottentots, negroes and Mosquito Indians, are all objects of her commercial attention. Wherever human beings are found, requiring food and raiment, and have something to give in exchange for them, England is ready to administer to their wants. To such a policy Africa opens up a rich and wide field of operation, and if I mistake not the signs of the times, she is preparing to improve the opportunity afforded her by our neglect of Liberia.

It is quite evident, that whatever the foreign commerce of western Africa may be, the Republic of Liberia will control it. Her position on the coast will give to her that advantage. I have no certain data for ascertaining the present amount of that commerce. I am, however, informed that the trade of England with the western coast of Africa exceeds $5,000,000 annually; but whatever may be the present amount, it forms no criterion of its future developments. Up to 1847, the year of Liberia's independence, it was a mere struggle for existence, without the power or the means to protect or regulate commerce; and without ships, without any of the facilities of trade, the colony of Liberia could do but little towards developing either her domestic or foreign commerce. But these hindrances have now been overcome by the establishment of national government. She has now the power to form international relations, under the directions of which the productions of that vast region of country will find their way through the regular channels of foreign trade to the markets of the world.

This new field of commercial enterprise will attract the observation of other nations; and if we continue to look on with indifference, the Republic of Liberia, by our neglect or timidity, may become in fact, if not in name, a commercial colony of England. And thus, sir, it will turn out that that rich commercial harvest, the seeds of which we sowed, will be reaped by another, and the first fruits of the tree which we planted will be plucked by our rival.

Liberia acknowledges with gratitude our superior claim over all other nations, to any advantages in trade which she can legally confer upon foreign Powers, and we may now secure by free concession, a commercial dominion over western Africa which, in my opinion, will in the course of twenty years be tenfold more valuable than that we shall acquire by force over other portions of the world. But to secure these advantages we must put ourselves in a position to obtain them. To do this we must form commercial relations with Liberia; and to this end the first step is to acknowledge the nationality of the Government which has the power to control the subject.

England has seized the first opportunity to form these relations. And why has she done so? Not that she has any peculiar regard for this young Republic, or for her free institutions, but simply because she sees in that infant Government, weak and feeble as it is, the germ of national power which will hereafter direct and control a vast region of commercial dominion.

If we refuse or neglect to acknowledge the national existence of Liberia, we can have nothing to say against the partiality of any treaty she may form with those nations who may recognize her nationality. And if England or France should to-day obtain for any of their subjects, the exclusive right to trade in palm oil, or the privilege of introducing their manufactures free of duty into Western Africa, we could not justly complain, for by our cold neglect we shall be presumed not to know that there is such a country as Liberia, or if we did know of its existence, we deemed her not worthy of our international intercourse.

But, sir, I desire to present a higher view of this subject than that derived from the mere lucre of trade. There is a mighty moral power in commerce, the power of civilization and humanity.

The early foreign commerce of a half-civilized country frequently gives tone and character to its inhabitants, which are seen and felt during many years of their future progress. It not unfrequently impresses a deep influence upon the very soil itself. Africa is a striking example of this result. For many years her only foreign commerce was the slave trade—the exchange of her children for the things of other countries. The result of this unnatural intercouse, was to bring upon that benighted region a twofold curse—additional brutality to its inhabitants, and an increased sterility upon its soil. Thus it was, that commerce, deprived of its moral power, impressed upon both people and land a curse so deep, that it will require centuries to eradicate the evil. We have other examples of the effects of illicit commerce in the opium trade of the East, in the early slave trade of Spanish America, and in our own whisky dealings with the northern tribes of Indians.

But a new and happier era has opened upon Africa. The Republic of Liberia has put an end to the slave trade in Western Africa. She has done what the three great Christian Powers of the earth, England, France, and America, could not accomplish. She has done it, not by force, not by fleets and armies, nor yet by premiums and prize money, but simply by working out one of the simple rules of legitimate commerce, so plainly that even the dull mind of the native negro may comprehend it, by teaching him that the productions of the forests, the fruits of the trees, and the vegetables of the soil, which God has planted all about him, may by the aid of his labor bring to him and to his family more comfort and wealth than all the gains of the unnatural slave trade. And now along a coast of seven hundred miles, where but a few years since the only marts of trade were the slave-pens to which the chiefs dragged their brothers and their children to barter for foreign productions, are to be found safe harbors in which English steamers and American packets may be seen, inviting the natives to bring the vegetable oils, the coffee, and the spices, with all the other rapid and rich productions of that sunny land, and exchange them on equal terms for foreign merchandise. Civilized and Christian commerce has taken the place of the barbarous traffic in human blood. Legal trade has superseded piracy, and the flag of a Republic, and the laws of a constitutional Government, defend, protect, and encourage the honest labor of a free and Christian people.

Thus has legitimate commerce become the efficient instrument for the regeneration of Africa. The Colonization Society has done its work, private charity and Christian benevolence have performed their duty. Through their agency law and liberty, religion and civilization, have been carried into Africa, and there embodied in free national institutions. A new power and influence are now required to sustain and to protect those institutions, so as to enable them to accomplish the final and glorious result for which they were established. That power is national; that influence is commercial. It is our duty, as it will be our interest, to exercise that power and direct that influence. If we will do so, we shall accomplish the two grand results contemplated by the friends of African colonization—the civilization of Africa, and the removal from this country of that anomalous class of men called free people of color. I have already shown the mighty influence of commerce upon the first-named object; I will now endeavor to show its efficiency to accomplish the latter. The negro is a timid creature; he lives and moves more by sight than by faith; he feels in his soul that which the white man boldly avows: that he is an inferior being, and therefore the subject of deception and wrong. Hence it is that so few of the free people of color have been found willing to leave even this land of their degradation, for a better home and country in Africa.

Here, in my opinion, lies the difficulty in the way of a more rapid emigration of these people to Liberia. But, sir, let them know by a public official act of this Government, that the country to which you desire to send them, has a name and a position in the family of nations; that the people and the institutions of that country are respected by the great Powers of the earth; let them understand that you have an interest in their commerce; let them see the ships returning from Africa laden with rich cargoes of merchandise of native production and ownership; let them see the flag of their country waving in your harbors, side by side with the merchant flags of Europe. In a word, give to the free negro ocular demonstration that money may be made in Liberia; that fortunes may be accumulated, and that social and public positions of honor and profit are there at his command, and we shall soon see that even the degraded and suspicious negro is subject to the same laws and influences which govern the white emigrant. The negro is not the only emigrant who is moved by sight more than by faith. All the speeches, reports, and books that were made and published about the wealth and commercial advantages of California, produced but little effect upon our people; they wondered and talked, but they did not believe; and it was not until some adventurer returned from the mines and presented to our sight and touch the shining ingot, and the golden sands fresh from the diggings, that our people were roused to that spirit of emigration which has since sent them in thousands, by sea and by land, to the shores of the Pacific.

So, sir, it will be with emigration to Africa. It will move cautiously and slowly until commerce shall expose to the eye of the world the rich mines of natural wealth which now lie hidden in the dark forests of that neglected continent. When this exposition is made I have no doubt the free negro will have many a white competitor in the race of emigration even to Africa.

In urging this subject upon the consideration of the Senate, I have not been indifferent to the fact that there are difficulties in the way of our forming full international relations with Liberia. They are of a domestic character, applicable alone to this country, and required to be treated with delicacy and prudence. My desire is to keep clear of these difficulties, and I have, therefore, made my resolution one of inquiry, merely leaving it to the Committee on Foreign Relations to decide the proper way and manner of accomplishing the object.

My desire is to obtain a simple recognition of the nationality of Liberia, preparatory to form-

ing commercial relations with that Government, reserving the more delicate question of diplomatic relations to the future action of the Executive under the advice of the Senate. When, under what circumstances, and in what form, this Government will enter into diplomatic relations with Liberia; whether we shall send a representative there or receive one from her here, is not necessarily involved in the acknowledgement of her independence. That question I have no desire to obtrude upon the Senate, and, whenever presented, it should be treated with reference to our peculiar domestic institutions, and disposed of in such manner as would be least offensive to the feelings and habits of the people of this country.

The acknowledgment of independence may be made by Congress, and I have a precedent to show that it is the duty of Congress to take the first step in cases of this kind. I refer to the case of Texas. You will recollect that for some time after the existence of that Government *de facto*, the President, General Jackson, on account of our friendly relations with Spain, hesitated to form diplomatic relations with Texas. In the mean time Congress took up the subject of the recognition of her independence, and in 1836 passed resolutions in both Houses acknowledging the independence of that young Republic.

But, sir, whatever difficulties the fears of gentlemen may suggest upon this point, I can assure them that Liberia will never obtrude herself officiously upon this Government. She knows too well how much forbearance and prudence were required by her friends here to overcome the prejudices which obstructed her colonial advancement, than to do any act now which might tend to revive opposition. All she asks at our hands, is that we shall not now abandon our own great work of free Government in Africa, by neglecting to express our confidence in its strength, and our faith in its durability.

I have heard it suggested as an objection to the recognition by this Government of the independence of Liberia, that it would reflect upon the legal institutions of domestic slavery as they now exist in some of the States of this Union; that we cannot admit the capability of the African race for self-government, and, at the same time, justify ourselves before the world in holding a portion of that race in bondage. This objection, I admit, must, to a certain extent, be met and answered in determining the present question. I therefore answer in the first place, that the obnoxious fact—the improvability of the African race, has already been established. Liberia is a living witness of its truth, and we, by our refusal to admit its existence, cannot get rid of any of the legitimate results which must flow from that living fact.

Nay more, sir, this experiment, whether for good or for evil to us, is our experiment. We have worked out the problem ourselves, and it is too late now, after the demonstration has been made to the world, for us to shrink from the result.

But, sir, I deny that this successful demonstration in favor of the improvement of the African race can in any manner cast odium upon our domestic institutions, or affect the legal rights of the master over his slave; but, on the contrary, this experiment has given to American institutions of slavery, a moral power and sanction which neither law nor constitution could invest them with. It does so, because it has opened a safe way of deliverance from the evils of slavery, a legal way by which lawful servitude may be safely and legally abolished. It has taken from slavery many of its dark and gloomy features. It has dispelled that hopeless aspect of slavery which clouded the future with fearful forebodings of evil.

The Republic of Liberia is a witness of good and not of evil, to the institution of slavery in the United States. She bears living testimony to the fact, that the African race has been improved, and not debased by servitude in this country. The Government of Liberia could not have been formed out of the native African negro. It was upon the American-born negro, trained and prepared by Christian masters, that the experiment has proved successful. Slavery in America has brought liberty to Africa. Our free institutions, by their beneficent workings, have shown that they are capable of improving the lowest grades of humanity, and of making even our slaves more capable of self-government than many of the subjects of European despotisms.

Sir, I am no apologist for slavery in any of its forms, much less would I seek to excuse the deep wrongs which the Christian world has perpetrated upon Africa; but if forgiveness is to be found for our criminal aggression upon Africa, it must be sought for in the restitution of her children to their fatherland, improved and trained under our domestic institutions for the enjoyment of civil and religious liberty.

If this generation can atone for the sins of the past, that atonement can only be made by offering up a rich national sacrifice upon the altars of liberty and religion now erected in Liberia.

Why should we hesitate to acknowledge this triumph of humanity, or attempt to cover up a result as honorable to us as it will be glorious to the world? Rather let us proclaim, as with a trumpet, in the dull ear of the despotic nations, that the spirit of American liberty will penetrate the deepest despotism, and enlighten the darkest barbarism with a potency sufficient even to regenerate the negro, and to give liberty and civilization to Africa.

Mr. President, absorbed as we have been for the last month with questions of great national import—questions involving the peace and the dominion of the world, and exciting, by their importance, the public mind up to the highest point of national pride and glory, I feel, when surrounded by such influences, that I am striking but a low note of public sentiment in advocating the modest claims of Liberia. I fear that the Senate has even grudged me the short hour which I have consumed in presenting this humble subject to their consideration. Yet, sir, I confess that I have designedly taken this occasion to trespass upon your time; for the purpose of aiding the cause for which I speak. My object is to take advantage of the exuberance of feeling manifested here in favor of human liberty throughout the wide world, and to ask that its surplus, if nothing more, may be given to Africa. She will be satisfied even with the crumbs which may fall from your overloaded table. It is true that her claims do not present any of those striking allurements which usually excite the popular mind. She sounds no trumpet of war. She offers no armed resistance to our power. Neither do kings nor emperors resist our intervention. Africa lies before us unappropriated and unoccupied, neglected and despised alike by the cupidity and the ambition of the world. Yet she is not destitute of some charms to the true friends of progress and humanity.

She presents a field of commerce wide and rich; extensive territories to be cultivated and improved; barbarous people to be civilized; heathen men to be christianized; a continent unoccupied by despotic power, to which God and nature invite us to come and bless with our free institutions.

If the colony of Liberia had been planted by our people in Europe instead of Africa, how we should have watched with jealous care its daily progress, resisted with national power every attempt to impede its advancement, and would have seized the very first opportunity to acknowledge its existence as a free Republican Government. There has not been a movement in Europe for liberty, however feeble, that we have not looked upon with anxious eye. There has been no country, however remote or insignificant, in which an advance towards free government has been made, that has not commanded our sympathy and attention. So frantic have we become in the cause of free institutions, that we have been betrayed by our sensibilities to indorse spurious movements for civil liberty altogether unworthy of our approbation. The late revolutions in France and in Italy, were specimens of this character.

But, sir, the case now presented, is one of no doubtful character. It is a people who through years of trial and suffering, have shown their devotion to, and their capability for free government. A young Republic of American origin, with a constitution like our own, and who aspire to no higher ambition than that of being instrumental in disseminating over Africa our own great principles of liberty and humanity.

Shall we refuse to this true Republic that influence which we are continually wasting upon the sham Republics of Europe? Shall we be deaf to the calls of humanity, and only show our love for human liberty where ambition instigates our action? Shall we beat the air to agitate the morbid political atmosphere of Europe, and refuse to strike a blow for liberty when all Africa, land and people, lie before us, prepared to receive the impression of our power?

But, after all that I have said, it is probable that this subject will be lost sight of in the more absorbing topics of the hour; be shoved aside by Cuba, by Japan, or the Bay Islands, and so the existence of the Republic of Liberia be forgotten for a season. But, thank God, liberty and law will still live in Africa; and the time will come when we shall not only acknowledge the independence of Liberia, but in our need cry unto her as unto a sister, to relieve us from a national curse—a curse from which the dominion of all America from pole to pole, cannot save us—the national evil of an overgrown and degraded population of *emancipated slaves*.

In ordinary cases the recognition of a new government by the old Powers of the world is but national courtesy, a cold formality, conferring neither influence nor character. But not so in the present case. The acknowledgment of the independence of Liberia by the United States, however formal on our part, will confer substantial benefits upon that young Republic, of vital importance to her future welfare. As she was indebted to us for national existence, she is still dependent upon our favor and good will for future life and prosperity. An experiment in government upon the capabilities of a degraded race of men, with no past history to excite national pride, with no heroic legends to reflect national glory, with no ancestral associations to confer national character—just emerging from centuries of slavery in America, and still standing beneath the gloomy shadows of barbarism in Africa, Liberia has but a slight and feeble hold upon national existence. A kind word, timely spoken by us, will impart to her feebleness, strength, confidence, and enduring life. Shall we not speak that word, by declaring that her national independence has the confidence of this Government, and will be sustained by the friendly regards of the people of the United States?

RAILROAD TO THE PACIFIC.

SPEECH OF HON. A. C. DODGE,

OF IOWA,

IN THE SENATE, *February* 18, 1853,

On the bill reported from the Select Committee for the construction of a Railroad and Telegraphic line from the Mississippi Valley to the Pacific Ocean.

Mr. DODGE said:

Mr. PRESIDENT: I was one of the Select Committee to whom this bill was referred—the least efficient and most humble member of that committee. Without claiming to myself credit for anything that is contained in it, I deem it but an act of justice to say of my distinguished associates upon that committee, that never did men labor more faithfully, or in a more disinterested spirit, to accomplish, as far as they could accomplish, the great work committed to their charge. Day after day, for weeks, we devoted the whole of our mornings to the preparation, discussion, and consummation of this measure. Our chairman, the Senator from Texas, [Mr. RUSK,] has labored most indefatigably upon this bill, besides having given much time and thought to the consideration of the general subject of uniting our distant Pacific possessions to those of the interior and Atlantic, by bands of iron, from the day that the subject was first introduced. All know, too, from the extraordinary success which attended his most sagacious management of the Texas boundary bill, familiarly known as the *ten million bill*, that few men better understand the duties of a practical legislator, or are more faithful and untiring in their discharge.

The venerable Senator from Massachusetts, [Mr. DAVIS,] whose enlarged experience and observation touching our railroad system, coming, as he does, from a State literally streaked with roads of this description, and being more familiar, per-

haps, with the legislation necessary to protect the rights and interests of the Government, the traveling and commercial community, as well as those of the companies having charge of the work, has devoted his time and talents most patiently and assiduously to framing this bill, and may appropriately be termed the "Mentor of the committee," every member of which will bear evidence to the many sage and valuable suggestions which we received from him.

The distinguished Senator from Tennessee [Mr. BELL] has thrown his whole soul into this noble enterprise, and both in the Senate and the committee, has brought his research and talents zealously to the work of its accomplishment.

Of the zeal and ability of the Senator from California, [Mr. GWIN,] and of the time, attention, and devotion which he has shown to this work, it is unnecessary I should speak, as they are familiar to the Senate and the whole country.

My purpose in making this allusion to the committee to whom all the various projects for a Pacific railroad were referred, is to say, that excluding myself, I humbly conceive that the Senate, and especially those who are friendly to the enterprise, should receive the labors of the Select Committee with something akin to a "generous confidence." The North, the South, the East, and the West, were fairly represented, and I am proud to say, that I never saw the least exhibition of sectional or selfish feeling manifested by any member of the committee in the preparation of the bill. I allude with pleasure to this fact, because it is well known that there are four or five rival routes, all of which have their friends and champions; and because the bill of the Special Committee has been attacked—boldly and bitterly attacked—for that feature in which consists its chief excellence, in my humble judgment—I mean the provision which confides to the incoming President of the United States, after the most thorough geographical and topographical reconnoissance, the designation of the termini and general route of the road. I have said that this is one of the best provisions of the bill, and I reiterate it, because, with the lights which that high officer will have before him when he comes to determine this momentous matter, he will be much more likely to make the proper designation than would Congress. Besides, sir, as a fast friend to this measure, one who is neither to be coaxed nor driven from its support, it is my solemn conviction, that upon the retention of this provision depends the life or death of the bill. You cannot fix the termini or route of this road in any bill, and then get votes enough to pass it. No, sir; not with all the surveys and estimates of cost, general and particular, that ever have been made or that ever can be made—and the reasons are these:

There are, I believe, at least five contending lines or routes, over which it is proposed to run a railway from the valley of the Mississippi to the Pacific ocean.

These are, beginning at the North:

First. From Green Bay, in Wisconsin, to Puget's Sound, in Oregon, with a branch to California.

Second. From some point in Iowa, on the Mississippi river, via Council Bluffs, Fort Laramie, the South Pass, in latitude 42° 30′ north, Salt Lake City, and then by the emigrant trail through a pass in the Sierra Nevada, in latitude about 42° north, to San Francisco.

Third. From St. Louis to Albuquerque, latitude 35° north, on the Rio Grande; thence to Walker's Pass, near the same parallel, in the Sierra Nevada; thence through the valley of the San Joaquin, to San Francisco.

Fourth. Either from St. Louis, Memphis, Vicksburg, southwest corner of Arkansas, or Matagorda, in Texas, to El Paso, on the Rio Grande; and thence by the Gila, at its junction with the Rio Colorado; and thence, via the Tohone pass, about latitude 33° north, through the valley of the San Joaquin, to San Francisco.

This last line, by way of El Paso and the Gila, is believed by many to be the most practicable route; but it passes, a large part of the way, through the Mexican States of Chihuahua and Sonora. Many able men, and I believe Mr. Whitney among the number, think the first-named route, notwithstanding its hyperborean locality, the most feasible and advantageous.

Now, sir, these lines of route all have their supporters and advocates; and it is not my province to assail or to disparage any one of them. But I have to say that which I do know: Fix any one of them arbitrarily and by name in any bill, either before or after any number of surveys and estimates, and the friends of all the others fly from the support of the bill. They will give for excuse that the route designated is too far north, or too far south, to answer the great purposes of transit and commerce. It will be alleged that the Corps of Topographical Engineers, high as that corps deservedly stands in public estimation, by whom the surveys will have been made, were governed by sectional or other improper considerations and motives, and to this there will be added many other excuses for opposition. But few, if any, of the opponents will avow the true objection, which would be, that the road is not so located as to subserve the immediate local interests of the objecting member's State and constituency. Mark you! the contention to which I now allude would be among the friends of the bill—those friends whose votes and harmonious action are demanded for the success of the measure. Now, all who want a road can and do pull together, being at heart for the measure, and willing to run the risk of their favorite line of route being selected by the President, as, in his opinion, the best one. Hence, I regard the amendment of the Senator from Pennsylvania [Mr. BRODHEAD] as directed at the existence of the bill. I trust that it will be so viewed by all the sincere friends of this great highway, and that it may receive at their hands that condemnation it so richly merits. I am perfectly satisfied that there are several practicable routes; and with this conviction I am for progressing with the road. I believe it to be the greatest question which now concerns our nation, and I wish to commit the Government to its construction—ay, and beyond the possibility of backing out—let the cost be double, triple, or quadruple the amount which the bill proposes to appropriate.

For the reasons given, and for others, I repeat I am glad that there is no critical survey and estimate of the cost of this road, nor any location of it now before us. I want a vote upon the great paramount question of the road itself, unembarrassed by collateral questions, such as those of route, survey, or cost, which, although important, are of minor consequence. If we are determined to have the road, these matters of detail are quite as well to follow, and in this instance, for the reasons stated, I think had better follow than precede the bill: a bill that determines the fate of the first and greatest measure of the day—the thoroughfare—which is a question, as I religiously believe, involving the brightest hopes of our nation and people, if not the perpetuity of the Union itself. For who that will contemplate the present long and circuitous route, through foreign governments and countries—the Rocky and Sierra Nevada mountain barriers—the scarcely less formidable desert prairies, some of which are even denominated "*journada del muerto*," the journey of death—can doubt that such a ligament is necessary to bind in contentment and peace the mighty States which are to grow up upon our Pacific borders, and having those local and sectional attachments and prejudices which ever surround the spot called "home?" Sir, without this rapid overland railroad connection, we must, in the lapse of time, see the god Terminus driven back from his present Ocean boundary, and seated upon those Stony mountains beyond which it was once thought he ought not to have been removed, though I was never of the number of those who so thought.

I am as much averse as any Senator in this body, to increasing the power or patronage of the Federal Executive; but the objections made to this bill upon the grounds that it does either, are not, in my poor judgment, well founded. He is to use officers of the regular corps of engineers, just as they are now, every day and year, employed; and when he gets, through them, the information necessary to enable him to do so, he decides where the contemplated road shall run, and where terminate. It does not give him the appointment of a single new officer. Congress often passes laws for the admission of new States, and provides that when certain things are done by territorial officers—as this does for certain things to be done by engineers, and certified to the President—that thereupon he shall issue his proclamation, and the State be admitted without further proceeding on the part of Congress. In high party times, I remember, when such a power was conferred upon the President, with the view of facilitating the admission of a State, the then opposition gravely asserted that it was giving to the Executive the power of admitting a new State: that it was a bold increase of Executive power and patronage, &c. Time has shown how unfounded these apprehensions were; and if this bill should pass, I feel that I hazard but little in saying that the same great arbiter will in like manner falsify the lugubrious predictions of its opponents.

Mr. President, after the able expositions given by the Senators from Massachusetts, [Mr. DAVIS,] Tennessee, [Mr. BELL,] and Texas, [Mr. RUSK,] of all the provisions of the bill, and the masterly defense, both of its constitutionality and expediency, by the Senator from Illinois, [Mr. DOUGLAS,] there remains little for one so humble as myself to add, in the way of its support. But having been a member of the Select Committee whose chairman reported this bill, and feeling as I do the deepest interest in the construction of this great national highway, the Senate will, I am sure, pardon me for further trespassing upon its time. No other Government than one which, like ours, waits for the people to do or prompt everything, would hesitate or delay for a single day, a work so absolutely necessary to "bind in everlasting peace State after State, a mighty throng," as this is to bind together our Confederacy.

Look at what the ever-vigilant Government of Great Britain is doing even upon this continent, and in close proximity to us, in that great commercial race which the two countries are running for the trade of Eastern Asia. I see it stated in the London Daily News, of January 13th, of the present year, that the project of connecting the Atlantic and Pacific, by a ship canal across the Isthmus of Darien, is seriously entertained, and that considerable progress has already been made in the requisite arrangements. A full preliminary concession has been obtained from the Republic of New Granada. A preliminary survey of the proposed route has been made by civil engineers, whose report is highly favorable. The documents and plans, with an interesting pamphlet on the subject, has been, it is said in the News, privately circulated amongst the most influential merchants of Great Britain.

The proposed route is between Port Ecosses and San Miguel, and is only thirty-nine miles long. Three modes of intercommunication are presented; the most expensive and most efficient one, is by a canal of thirty feet depth at low water, one hundred and forty feet broad at bottom, and one hundred and sixty feet at low water surface. No lockage would be required. The material to be cut through being described as chiefly rock—a stratified shale, with thin beds, which are said to form an excellent side lining to the canal—the cost of its maintenance would be merely nominal. The estimated cost is £12,000,000, (nearly $60,000,000.) By this canal, the transit of the largest vessels from sea to sea, could be effected in *five* hours.

Such a canal in the hands of Great Britain, unless we make some movement to checkmate it, would give her the control of the commerce of the world, at least of that portion of it which has for centuries been the object of merchants and monarchs, conferring prosperity and power upon its recipients.

For more than fifty years the United States have been engaged in a commercial contest with England, and rapidly gaining on that avaricious and ambitious Power. The second war of independence was fought for "free trade and sailor's rights." The appeal to arms taught our ancient foe and present rival that we were neither to be jockeyed nor trampled on. Since the war of 1812, we have been gaining on her with constantly-increasing speed, and at last the race has become so close that England is hardly a neck ahead of us. Construct this road, mount *Brother Jonathan* on the iron horse, and he will thus be enabled to turn the

corner, and not only to beat John Bull but to distance him.

I call the especial attention of the Senate to a letter which I have received from Lieutenant Maury:

National Observatory,
Washington, *February* 16, 1853.

Dear Sir: I have this morning before me your note of yesterday, asking for an approximate estimate in answer to the question, "With the railroad finished to San Francisco, how many days will we beat the English in reaching the marts of trade in Eastern Asia?" We shall be able to beat the English by about two thirds the time that it takes to come from England here, with the addition of the gain by running nearly three thousand miles on a railroad instead of performing the same distance in a steamer at sea. The distance from England, via the Straits of Gibraltar, Isthmus of Suez, and Red Sea, to Shanghai, in China, the center of the tea district, is very nearly equal to the distance from England, via Halifax, California railroad, and steamer thence to Shanghai. The distance by the former route is some six or eight hundred miles less than by the latter. On the former route there is no railroad transportation to speak of, the only land travel being across the Isthmus of Suez. Of course you will observe that I put the route by European railways to the Mediterranean out of the question; as a commercial route, that would require too much loading and unloading. Supposing, then, that each route be in operation, with steamers connecting, equal in speed to the Collins steamers, the difference in our favor by California railroad would be from fifteen to twenty days; perhaps more, because our steamers would only have to stop once to coal, and would have no way ports to touch at; whereas, from the head of the Red Sea, by the shortest steaming route possible, is not less than eight thousand miles. If your question applies to the English routes as they are, and to the California route as it probably will be, with a railroad hence to California, and a line of steamers thence to Shanghai, the difference *then* in our favor would not fall short of twenty-five or thirty days. Respectfully,

M. F. MAURY.

Hon. A. C. Dodge, *Senate Chamber.*

Instead, then, of meeting us in India, China, and even on our own Pacific coast, as the English now do, with the advantage of some ten days' sail, or more, the scales will be turned, and we shall have the advantage over them of twenty-five or thirty days, which, in commercial and business transactions, is conclusive and overwhelming. This Pacific railroad across our country will be the grave of British commercial supremacy. The epoch of its completion will be the zenith of her sun over the sea—from that day the splendor of her maritime power will begin to grow dim.

I come now to speak briefly of some of the vast and inappreciable benefits which I think will inure to mankind here and the world over from the construction of this road, and the consequent dense settlement of our distant Pacific possessions. In doing this, I will not dwell upon the mineral wealth of California and Oregon, nor upon the boundless fertility of their soil, nor the salubrity of their climates. Great and important as these are admitted to be, I think there are other benefits connected with and dependent upon the construction of this road, which transcend and cast them into the shade. They are, the command of the commerce of Eastern Asia, and the effect of the settlement of the American race on the western coast of our ocean-bound Republic opposite the coast of Asia; a country containing two thirds of the population of the world.

The trade of the East has ever been regarded as the richest jewel in the diadem of commerce; and every nation that has participated in it has thereby acquired prosperity and power. It is a historical fact, known to all, that this commerce, through what channels soever it may have flowed, has built up cities and kingdoms amidst the desolation of rocks and sands. It was for centuries the object of merchant and monarch to find a shorter route than that pursued by the navies of Tarshish or the fleets of Carthage. Phœnecia, Persia, and Egypt were among the ancient routes of this commerce. Constantinople and Alexandria were among its more modern channels; and Bruges and Antwerp in the north, and Genoa and Venice in the south, the means of spreading it through Europe. The discovery of the continent of America is said scarcely to have consoled Columbus for the disappointment of finding his expected passage to Asia obstructed; and from that day to the present, skill and power have exerted themselves to get round, through, or over this formidable obstacle. The wonderful progress of the arts, and especially the omnipotence of steam, now place it in the power of the men of this day and generation to accomplish the work.

We observe all over the older portions of our country, that cities and states are pushing forward their rival schemes of internal improvements, and setting up opposition to bring travel and commerce by and through them—considering themselves remunerated when they secure the business between places containing a few thousand people engaged in traffic. This Pacific railroad will bring us the travel and precious commodities from colintries containing much the larger portion of the inhabitants of the world, and convey them through the length and breadth of the land, scattering local, sectional, and national benefits all the way. Nations, like states, cities, and even the smallest towns have ever sought to avail themselves of the advantages which business and travel dispense on the wayside of great thoroughfares. This improvement offers them to us on a scale proportioned to the mountain ranges, lakes, and rivers of our country, and sublime in proportion to its free institutions. The main trunk completed only, if you please, across the territory of the United States, and the adjacent States will join their lines to it—it is a law of progress that one improvement rapidly begets another. But for that great pioneer work, the Erie Canal, and the impetus it gave to commerce and business, few, if any, of the railroads now in existence in New York would have been made. In like manner the Pacific railroad will give an impetus to commerce and travel with Asia and our own country, causing innumerable thoroughfares to be made to connect with it, and by showing the amount of business to be done, will demonstrate the necessity for its construction. It will cause old channels of trade to be abandoned, and new ones opened. As a general rule—and I think a wise one; because it supplies the deficiencies of nature—our railroads and rivers run at right angles in their courses. In the New England States, where the usual course of the rivers is south, the railroads run east and west; in the middle and southern States, where the water courses run eastwardly, the railroads tend to a northwardly direction. Rivers run from the mountains to the sea; railroads, generally across, or rather through the ridges, hills, and mountains. Influenced in their course and direction by the desire of facilitating the interchange of the productions of different climates, commercial railroads are observed to lead from valley to valley, for the purpose of meeting navigable streams—in this case it is oceans—taking from them a portion of the commodities which they are conveying, and drawing it off to other markets. There are certain countries which, from the eligibility of their geographical positions, are destined to enjoy a highly prosperous future; wealth, power, every national advantage, flows into them, provided that where nature has done her part, man does not neglect to avail himself of her beneficent assistance. Nations, states, cities, and towns which are situated on the high roads of commerce, and which offer to it the safest ports and harbors, are in the most favorable condition. Those thus situated, find in the intercourse of foreign trade, immense resources, and are thereby enabled to take advantage of the fertility of their own soil—the enterprise and industry of their own people—thus bringing into existence a home trade commensurate with the increase of foreign traffic.

The United States have Europe to the east, Asia to the west, and being midway between these two portions of the Old World, they occupy a geographical eminence in commerce and navigation, which places, as it were, all parts of the earth at their feet, and from which they may send their surplus to the people of every country and clime which are to be found on sea or land. If the productions of the earth were the same everywhere, and for a like amount of labor, there would be no commerce. Commerce consists in the carrying of articles from one place where they are not wanted to another in which they are needed. With commercial countries it is always a paramount object to open trade and intercourse between the inhabitants of different climates. The planter who raises more sugar than he can consume, does not, of course, desire to exchange this surplus for the sugar of his neighbor. He wishes to buy with it corn or wheat, beef or pork, everything I may say, save sugar. He, therefore, through the merchant and dealer, ships it off to a climate which does not produce sugar, and exchanges it for merchandise or something else of which he may be in want. From the history of the past, we learn that it was by such trade and commerce that Tyre, Carthage, Constantinople, Venice, Genoa, Amsterdam, London and Liverpool achieved their growth and prosperity; rising from the condition of poor villages to that of extensive and affluent commercial cities, exhibiting the astonishing spectacle of powerful cities springing suddenly from unwholesome swamps and marshes.

This road will, to a great extent, supersede the present long and dangerous commercial voyages round the Capes of Horn and Good Hope. It is needed and will be used in conducting the commercial and business intercourse between—

1st. The western States of the valley of the Mississippi, with California, Oregon, and Eastern Asia.

2d. The Atlantic coast of North America, and a large portion of the Pacific coast of South America.

3d. The north of Europe, and the Pacific coast of North and South America.

I will not tire the Senate with a detailed statement of the statistics of the value of the trade of the States and countries referred to, but may give such statement in a report of my remarks hereafter. The simple announcement of the names of the several countries interested in the road will demonstrate the necessity of its construction.

Mr. President, the most important event in the modern history of the world's progress was, I think, the exodus of that vanguard of Americans, principally from my own and adjoining western States, in 1843, who planted themselves on the Pacific coast. Insignificant as this little band of pioneers appeared to be, consequences of vast magnitude have been produced by their westward movement, and greater are destined to flow from it. It was their possession and occupancy of the valley of the Columbia that forced the settlement of the long-standing controversy with Great Britain, and an admission that we had *some* rights upon the Pacific. A foothold obtained in Oregon, and the possession of California became only a question of time. Mexican violation, for twenty-five years, of the rights of our citizens, and her shedding of American blood upon American soil, precipitated that golden acquisition to our territorial limits many years perhaps in advance of the time at which it would have become ours by the same process that Texas did—by a progressive course, perfectly honorable and proper, and founded upon the moral and intellectual superiority of our race. Already a bill has passed the House of Representatives dividing Oregon and creating a new Territory out of the northern portion of it, to be, and most appropriately, I think, called Washington. I hope and doubt not it will receive the sanction of this body. In a few years an immense population will grow up on the Pacific slope of our continent, between which and China, and other parts of Asia, lines of ocean steamers will be established, and our citizens, possessing all the lights of the present age, cannot fail to make a deep and most beneficial impression upon that country and people, the advantages of which will be felt by commerce, agriculture, and every department of human industry.

Our Pacific possessions now, to a considerable extent, occupy towards us the same relative position that the western country did towards the Atlantic States years before and after the acquisition of Louisiana, and the opening of avenues of communication and trade with the West. Listen to the words of him who was "first in war, first in peace, and first in the hearts of his countrymen," when he spoke upon the subject of the then distant and transontane possessions of the United States, and let us learn wisdom from them. In 1784, one year after the close of the revolutionary war, and five years before the present Government went into operation, General Washington, who was an explorer and surveyor of new countries as well as a general and a statesman, made a tour on horseback from Mount Vernon to the Monongahela, crossing the mountains by the usual route of Braddock's road. He designed going to the mouth of the Great Kanawha, but was prevented by Indian hostility. On his return to Mount Vernon, he addressed a letter to Benjamin Harrison, the then Governor of Virginia, in which, among other things, he says:

"I shall take the liberty now, my dear sir, to suggest a matter which would, if I am not too short-sighted a politician, mark your administration as an important era in the annals of this country, if it should be recommended by you, and adopted by the Assembly. It has long been my decided opinion that the shortest, easiest, and least expensive communication with the invaluable and extensive country back of us would be by one or both of the rivers of this State which have their sources in the Alleghany mountains." * * * * "Maryland stands upon similar grounds with Virginia. Pennsylvania, although the Susquehanna is an unfriendly water, much impeded, it is said, with rocks and rapids, and nowhere communicating with those which lead to her capital, (Philadelphia,) has it in contemplation to open a communication between Toby's creek, which empties into the Alleghany river, ninety-five miles above Fort Pitt, and the west branch of the Susquehanna, and to cut a canal between the waters of the latter and the Schuylkill, the expense of which is easier to be conceived than estimated or described by me." * * * * "That New York will do the same, as soon as the British garrisons are removed, which are at present insurmountable obstacles in their way, no person who knows the temper, genius, and policy of those people as well as I do can harbor the smallest doubt."

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"I need not remark to you, sir, that the flank and rear of the United States are possessed by other Powers, and formidable ones, too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds, especially that part of it which lies immediately west of us, with the Middle States. For what ties, let me ask, should we have upon those people? How entirely unconnected with them shall we be, and what troubles may we not apprehend, if the Spaniards on their right, and Great Britain on their left, instead of throwing stumbling blocks in their way, as they now do, should hold out lures for their trade and alliance? The western States—I speak now from my own observation—stand as upon a pivot. The touch of a feather would turn them any way. They have looked down the Mississippi until the Spaniards, very impolitically, I think, for themselves, throw difficulties in their way."

Such, in brief, were General Washington's views of the means necessary in 1784 to preserve the western States; and looking from the present point of time, wild and utopian as they may then have appeared, we behold their realization by the States which he named, and much more, because of the discovery of steam and its application as a propelling power on roads, rivers, and to almost everything else. The rival routes and antagonistic State interests are alluded to by him, and had the same effect to delay the great work of that day as they now have to retard the one of the present day.

Mr. Jefferson—that statesman of rare endowments, whose fertile mind was always teeming with enterprises beneficial to his country—in his confidential message to Congress of the 18th January, 1803, asked authority to order an exploring expedition to the source of the Missouri river, which "might explore the whole line even to the western ocean," remarking that "while other civ-'ilized nations have encountered great expense to 'enlarge the boundaries of knowledge by under-'taking voyages of discovery, and for other lite-'rary purposes in various parts and directions, 'our nation seems to owe to the same object, as 'well as to its own interests, to explore this, the 'only line of easy communication across the con-'tinent, and so directly traversing our own part 'of it. The interests of commerce place the prin-'cipal object within the constitutional powers and 'care of Congress; and that it should incidentally 'advance the geographical knowledge of our own 'continent, cannot but be an additional gratifica-'tion."

After the return of the exploring party, Mr. Jefferson remarked in his message to Congress of the 2d December, 1806, that "the expedition of 'Messrs. Lewis and Clark, for exploring the river 'Missouri, and the *best communication from that to 'the Pacific ocean, has had all the success that could 'have been expected.* They have traced the Mis-'souri nearly to its source; descended the Colum-'bia to the Pacific ocean; ascertained with accu-'racy the geography of that interesting commu-'nication across our continent, and learned the 'character of the country, of its commerce, and 'inhabitants."

Nearly fifty years ago, Mr. Jefferson took the initiative in this matter, and more recent reconnoissances by officers highly competent for the duty, have confirmed the general correctness of the results anticipated from those early proceedings. The more careful and more enlarged means of examining the whole face of the country by talented, learned, and experienced officers, have resulted in the indication of a route which, while it follows the general line of the one named by Mr. Jefferson, through the whole distance, coincides with it exactly for a part of the way, indicating a route which many consider the only feasible one for the site of a road across the continent.

I beg not to be understood as saying that this bill is perfect. I know that it is not; and there are some amendments which, if proposed, will meet my hearty sanction. I will cheerfully vote to strike out the incorporation clause, and for an express prohibition against the exercise, by the company who are to construct it, of anything in the shape of banking powers; none such are given, but I would like to see the possibility of their exercise guarded against. The means and the powers necessary to carry forward the enterprise are all with which I wish to see the company clothed; indeed, if it were not for the success, economy, and speed with which private companies have carried forward these railroad enterprises in our old States, I would decidedly prefer that the whole road should be made by the General Government, and be exclusively under its management and control. But the slow progress and ill success of the Cumberland road would seem to admonish us against the latter plan. I admit that the construction of this road, like every internal-improvement measure, whether of a general or local character, is fraught with difficulties and liable to abuses, such as we know from the past history of these works, constantly imperil their fate. But this is only an argument for increased vigilance on the part of the legislator, and honesty and fidelity on the part of the public officers having charge of these works, in distant and remote parts of the country.

The arguments against this bill apply with much greater force against river and harbor appropriations. With these, besides their liability to abuse, is the very great difficulty of determining whether they are national or local. For one, I have always maintained, that when of the former character, they are objects worthy of appropriations from the National Treasury. Now, I ask if it is at all probable in the course of human events there will ever come before Congress a measure which is more certainly and surely of *national* importance than that now before us? I think not. None to compare with it in nationality or in any other point of view. Its whole line will be within our own territory—the United States owning nearly every foot of the soil over which it will run. All the money expended in the construction of the road will be for the benefit of our own citizens; and all those great incidental benefits everywhere imparted to the value of the soil by thoroughfares of this sort, the building up of cities and towns, encouragements to emigration from both extremes of the world, will inure to the advantage of our own country and our own citizens. I do not believe that this Government has the right to grant a charter for such a purpose within the limits of a State, and hence the bill has provided that it shall have no effect within the borders of any State, unless such State shall by formal act assent thereto.

But the right of the United States to aid chartered companies of States for such purposes, has at least the sanction of precedent in their subscription to the Louisville and Portland, the Delaware and Chesapeake, the Potomac and Ohio, and the Dismal Swamp canals; and in the exercise of this right, our subscription in the present instance is made on prescribed conditions, such as the dimensions and strength of the road, and the privilege to transport the mails and munitions of war free of charge. I am aware that Pennsylvania, like other States of this Union, was at an early day precipitated into a ruinous and expensive system of internal improvements. I appreciate the vigilance which would induce my friends from that State [Messrs. BRODHEAD and COOPER] to guard against such abuses on the part of the Government of the United States. But, sir, was not this rather the result of that log-rolling system which undertook to provide every place in the State with a railroad or a canal, than in carrying on, if you please, her double improvements—canal and railroad—through and over the Alleghany mountains, from Philadelphia to Pittsburg? If my information be correct, such was the case. Would that Senator, [Mr. BRODHEAD,] or his colleague, [Mr. COOPER,] who so ably addressed the Senate a few minutes since in opposition to this measure, be willing now to give up their expensive canals and railroads, with their deep cuts, tunneling and inclined planes, and resolve his State and people back again into the condition in which they were before these improvements were made? Do they not very much prefer these works, premature and unwise though some of them may be, than a return to the pack-horse, the bell-team, and the stage coach? Although the construction of those great works may have saddled Pennsylvania with an onerous public debt, I cannot doubt that the benefits and advantages arising from them more than counterbalance the evils of that debt.

Mr. President, besides the intrinsic merit of this measure, and the deep interest felt in its success by those whom I in part represent, it is commended to my support from the fact that it is so fiercely and bitterly opposed by those Senators who have never failed to show their opposition to every western measure. Prominent among these is my worthy friend from Georgia, [Mr. DAWSON,] whose smiling countenance and sonorous voice are always seen and heard upon this floor in opposition to every measure of internal improvement in the West. Our differences in this regard do not in the slightest degree lessen my respect and kind feelings for him, nor for my worthy friend from Maine, [Mr. BRADBURY,] who usually takes the same side, and between whom and myself, owing to a misapprehension on my part of his views and position on this question, the first day this bill was discussed, there was an unpleasant altercation, which, however, passed off with the occasion, leaving us the same good friends we have ever been.

At the last session the Senator from Georgia pounced, most unmercifully, not only upon our alternate section bills, but upon the bill of the Senator from Illinois, [Mr. DOUGLAS,] providing forts and some protection to our western emigrants on their perilous journey to California and Oregon. That bill was then slain, because, as was alleged, it made a large increase to our standing army. This one is to be defeated for the want of preliminary surveys. The speech which the Senator from Georgia made against the Pacific railroad, reminded me of his happy effort against the Illinois Central railroad bill. That road was six hundred miles in length, and there were no estimates or surveys before us of any kind, when, notwithstanding that Senator's opposition, the bill became a law; and what is likely to be the result? Triumphant in favor of the principle and expediency upon which the grant was made! Uncle Sam parting with his alternate sections for six miles in width on each side of the road, raising the others to $2 50 per acre! and the gratifying result is manifest that the great thoroughfare through Illinois will, in all probability, be made in a short time, and the old gentleman, who deals out his acres and his dollars so parsimoniously, has not lost a cent, but has actually made money upon the operation, having realized some seven cents the acre more than the $2 50.

The Senator from Pennsylvania, [Mr. COOPER,] who preceded me in this debate, toward the conclusion of his remarks, contended that this road might be so located as to run from some point in California, say San Francisco or San Diego, to Matagorda, or some other point in Texas, and if unfortunately it should fall there, it would run through but *two* States, and be objectionable on that ground. He disposed of the Texas road summarily, and while avowing friendship for the measure, admitting its magnificence and great utility, he proceeded north and pronounced an adverse judgment, as I understood him, upon all the proposed northern routes, not because of the mountain obstructions, but owing to the depth of snow in the mountain gorges. Neither southern nor northern lines will answer the purposes of the opponents of this bill. Now, sir, being in favor of the route up the valley of the Platte, through the South Pass, &c., though willing to take my chance of getting it upon its merits—I wish to meet the latter objection of the Senator by that which I have learned from practical men, not from *books*. It is, that *dry snow* is no impediment to a car, no matter how deep. It is *wet snow* that impedes. This may now be seen, without going to Russia, at Ogdensburg, in New York, in latitude about 44° 40', where, I am told, the cars have been seen to plow through *fifteen* feet of snow without

difficulty, while a few inches of *wet* snow—that is, snow in a soft climate, is oftentimes a great impediment. The hardihood and enterprise of the people who will immediately flock along the northern line, if it be selected, will overcome all difficulties, such as snow may interpose to the progress of the cars in any given locality upon that route. Repeating my preference for the route through my own State, and up either side of the Platte river, through the South Pass, &c., I avow myself willing to vote for the road whether my favorite line be designated or not. Upon that point, Mr. President, I am willing to take my chance, and only wish briefly to call attention to what the accomplished and scientific Frémont has said respecting the practicability of the route to which I allude, and especially to that portion of it which all must certainly admit to be the most difficult. He says that the route he "followed in 1842 was up the valley of the Great Platte to the South Pass." "The road, which is not generally followed 'through this region, is a very good one, without 'any difficult ascents to overcome." "It passes 'through an open prairie region, and may be much 'improved so as to avoid the greater part of the 'inequalities it now presents." In describing his arrival at the Great South Pass, he remarks that "the ascent had been so gradual that with 'all the intimate knowledge possessed by Carson, 'who had made this country his home for seven-'teen years, we were obliged to watch very 'closely to find the place at which we had reached 'the culminating point. This was between two 'low hills, rising on either hand fifty or sixty 'feet." "We crossed very near the Table Moun-'tain, at the southern extremity of the South 'Pass, which is near twenty miles in width, and 'already traversed by several different roads. 'Selecting as well as I could, in the scarcely-dis-'tinguishable ascent, what might be considered 'the dividing ridge in this remarkable depression 'in the mountains, I took a barometrical obser-'vation, which gave seven thousand four hundred 'and ninety feet for the elevation above the Gulf 'of Mexico." Its importance, as the great gate through which commerce and traveling may hereafter pass between the valley of the Mississippi and the north Pacific, justifies a precise notice of its locality and distance from the leading points, in addition to this statement of its elevation. As stated in the report of 1842, its latitude at the point where we crossed is 42° 24′ 32″, its longitude 109° 26′. This route having been explored, I may say surveyed, its altitudes ascertained and compared with others deviating from it, fixes the conclusion in my mind that its eastern terminus, as a United States road, should be at the mouth of the Platte, in the Territory of Nebraska. States, companies, and individuals, with the aid of the usual alternate section grants, or upon their own means and resources, must do what remains to furnish a continuous eastern line, and they will rapidly do this, causing it to branch in more than a dozen directions from that point, or other points further west.

But Senators are frightened at the magnitude of this measure. I beg them, before condemning it, to contemplate the past, present, and probable future growth of our country—to look to the interests, not only of those now living, but to those who are to come after us. I am one who regards, with great satisfaction, the arrival upon our shores, from revolutionary and despotic Europe, of the large number of foreigners who now annually migrate to the United States, believing them, in the main, to make excellent citizens, and knowing that there is nothing we so much want as people. This large and various population scattered over our western plains and valleys will greatly accelerate their settlement, and produce a harvest of good fruits not possible without them. But our unparalleled increase is not to be mainly ascribed to the foreigners; nor should we be told that we are legislating alone for them. The census shows that of our whole population of 23,347,884, but 2,210,028 were born in foreign countries. Thus it is seen, from the most reliable data, that our increase is to be attributed mainly to the productive and expansive energies of the Anglo-Saxon stock of this continent—the same causes which impelled us forward so rapidly in our early history when emigration was comparatively unknown. Official documents, printed by the House of Commons, show that the whole emigration from Great Britain and her dependencies, to this country from 1812 to 1821, did not exceed 68,988, and from the rest of Europe, it was quite small; yet our population in that period increased *two millions, or thirty-three and a third per cent.* The increase of our white population, from births alone, independent of immigration, has averaged *thirty per cent.* every ten years during the present century. Without any foreign immigration, our Republic would have doubled once in twenty-seven years; but including that element, it has doubled once in twenty-three years. The Spaniards commenced the great work of colonizing this continent at the same time the English did, and for two hundred years they occupied a larger portion of it. Now, in all America, including, of course, Mexico and the South American States, it is estimated that there are not more than *five millions* of actual Spanish descent, while there are at least *fifteen millions* of Anglo-Saxon. Of this race, three hundred years ago there were less than *three millions*. It is now believed to be, with the exception of the Sclavonic race, the most numerous in the world. It is not only among the largest, but the most energetic and influential. It is gradually taking possession of all the ports and coasts of the world, and its language superseding almost every other. Expansion, if not aggression, is everywhere a characteristic of our race, which should, I think, be called American rather than Anglo-Saxon. The Frenchman feels them in Canada; the Russian in the Northern Archipelago; the Italian in Malta; the Greek in the Ionian Islands; the Spaniard in Cuba and on the frontiers of Mexico; the Dutch at the Cape and at Natal; the Indian in the Rocky Mountains and at the Isthmus; the Negro at Liberia and Sierra Leone; the Arab at Suez and on the Nile; the Australian at Sidney and Adelaide; the Malay at Bombay and in Burmah; the Chinese at Hong Kong; and the repellant Japanese will soon have to learn something of them at Jeddo. Perry and his fleet are going to form their acquaintance soon.

The allusion of the Senator from Pennsylvania [Mr. COOPER] to the fact that the road may run through Southern California and Texas, will not deter me from voting for the bill, nor sustaining the act of the President, if he should designate the most southern route spoken of, as, in his judgment, the best for the nation. I iterate and reiterate, that, for myself, I will vote for the road, although the line selected may not meet my individual preferences. What Senator is so lost to a knowledge of the strong feelings of sectional and local attachment which exists in every legislative body, as not to know that when you attempt to name the termini in your law, that you have either to name all the points which are aspirants, or none, or deposit the power of selection with some disinterested tribunal?

Now, sir, we can construct one great thoroughfare which will cost much money, land, and time; but we cannot build *two*, much less *five*, to accommodate aspiring cities and selfish localities. We must run the risk of choice or never have a road. I have reflected long upon this subject, and am well aware of the pent-up local feeling which lies at the bottom of it. The only hope of success, in my poor judgment, is to deposit the power of designation in the hands of the President of the United States. And I would just as soon, if the bill could be passed to-day, intrust that power of selection to Millard Fillmore as to Franklin Pierce. Chief Justice Taney, or any one of his distinguished associates on the Supreme Bench, if we could impose the duty upon him or them, would answer my purpose quite as well. The officer who performs the duty, so that he be a man of intelligence, character, and responsible position, is a matter of the most unimaginable consequence to me. I want the law for the road put upon the statute-book. I want the dollars and the land voted. I want the President of the United States, through his engineers, to obtain all the information he may desire to enable him to decide the question of termini and general route, and to put the road under contract as soon as his convenience will allow.

Sir, when we institute a comparison between this work and others, or reflect upon the objects to which the national treasure and resources will be applied, how completely insignificant, compared with this road, all of them appear. For one, I would be willing to reduce the expenses of the Government at all hazards, to one half of what they now are, if necessary, to enable us to go forward with this work. To my own State—to the West—to the nation, I believe it is worth all the other measures which have come before Congress in modern times, or which are at all likely to present themselves for legislative favor.

Pass this bill, and grant alternate sections of the public lands upon the usual conditions to those States which are pushing forward their roads to and over your public domain in line with this great thoroughfare, and we may truly say that we have bound our Union together by bands of iron; and what is more potent than these, by ties and interests which will render it indissoluble. It is not a party measure, but one on which men of every hue and creed may cordially unite. New England, New York, Pennsylvania, Maryland, and Virginia, are all building their roads to and through the State of Ohio, in different directions, to the Mississippi river. Many of these roads are in line from our great eastern cities with the proposed Pacific road, and will constitute a portion of it. When the State of South Carolina shall have finished her road to Memphis, or through Nashville to the Ohio, the web will then be completed, and our whole nation will be brought together at its grand center in the short space of *four days*—affording us an opportunity not only to carry passengers, but every description of merchandise and produce, from the center to New Orleans, Richmond, Norfolk, Charleston, Savannah, Washington, Baltimore, Philadelphia, New York, and Boston, and to the Pacific in the same time—*four days;* and from California to any of those cities in less than *eight days;* and to China in *twenty days*—thus bringing our vast country together in *four days*, and the extremes of the globe in *thirty days*. Teas from China may then be transported to any of our Atlantic cities in thirty days, and to London or Liverpool in less than forty-five days. These things accomplished, and we may, in the glowing language of the British bard—

> "Bid harbors open, public ways extend,
> Bid temples worthier of the God ascend;
> Bid the broad arch the dangerous flood contain,
> The mole, projecting, break the roaring main;
> Back to his bounds their subject sea command,
> And roll obedient rivers through the land."

NATIONAL OBSERVATORY,
WASHINGTON, *March* 9, 1853.

DEAR SIR: It gives me great pleasure to comply with your request. Indeed, I am always glad to avail myself of any and every opportunity to contribute anything in any way towards the establishment of a railway hence to California.

You ask me for a table of distances, by which you may compare time from New York and England, via overland route, on one hand, and California railway, on the other, to Asia.

By the overland route, I wish you to understand that I have taken the shortest distance by *sea* from England to the Isthmus of Suez, and thence down the Red Sea to the places named.

You will also, I hope, bear in mind, that the distance quoted as per railway, is by an air line, and the distance by sea is measured in arcs of the great circle.

Were the California railway finished, and were there a line of steamers to the East from California, it would be as near for the Liverpool merchant, setting out on a trip for Canton, to come this way and take steamer at California, as it would be to go the overland route via India. The distance in miles would be about equal, but the time would be in favor of the California route, because of the railway travel.

By the overland route, the whole distance except a few miles by land across the Isthmus of Suez, is supposed to be accomplished by water as below stated:

	To Bombay	To Calcutta	To Canton.	To Shanghai.
From England via Suez	20 days	27 days	37 days	40 days
From do. via California	50 "	43 "	33 "	30 "
From New York.....	40 "	33 "	23 "	21 "

The importance of a railway to California is becoming greater and greater every day, and the necessity of it more and more urgent. Not only is this work required as a work of national defense, but it is required to hold this Union together, and to make it compact, by subserving the purposes of travel, trade, and commerce.

Steam and the telegraph, by sea and land, are making wonderful changes in the business of the world, as well as in the modes of conducting it.

Why is it that railroads are shutting up canals, and taking their business from them? For the same reason precisely that they are superseding the old-fashioned "slow coaches."

It is because the producer and consumer *must* come closer together.

There is no part of the Mississippi river, from its mouth to the Falls of St. Anthony, that, by an air line, is more than one thousand eight hundred geographical miles from San Francisco. Midway between these two points on the river, the distance is only one thousand five hundred miles. Two days by railway ought therefore to put the traveler from the Mississippi valley into San Francisco. Thence by steamer to Shanghai, the distance is five thousand four hundred miles, which is equal to eighteen days steaming, at the average rate of three hundred miles per day. Twenty days from China to the heart of this country! Why no one can foretell the revolution in the commercial affairs of the world, which such a compression of time and distance is to make!

I have said and written much upon the subject of this communication across the country. I do not know why I should have it so much at heart, unless it be in consequence of a sort of affection for it, acquired by inheritance.

We have heard a good deal said as to whom belongs the credit of originating the idea as to this communication across the country. I thought it was an affair of our own day and generation; but in looking over some old family records I find that the idea was a familiar one to my father's father, and that *one hundred* years ago that most excellent man and worthy divine was writing earnestly and enthusiastically upon the subject.

It is well to cast back and see how this question has grown in importance since Anno Domini 1756, when my grandfather, from his globe home under the mountains of Albemarle, in Virginia, was inditing his letter about a *commercial thoroughfare from "Hudson's river, or the Potomac, across this country to the East Indies."*

Tobacco, at that day, constituted the currency of the country, and with the bad roads of the time, you may well imagine the difficulty planters had in hauling their crops seventy five or one hundred miles to market. One wagon load was the work of weeks. Under this state of things, one of the neighbors of my grandfather had just conceived and executed the plan of putting a hogshead or two across a canoe, and of so paddling his crop down the James river at its floods to market.

In telling of the importance and value of this discovery, the old gentleman, who taught in his school both Madison and Jefferson, asks his correspondent in England to conceive, if he can, the importance which this *canoe* discovery is to prove to the Ohio and Mississippi country.

The letter of his to which I refer is a remarkable one. I venture to make a few extracts from it. It is dated "Louisa county, Fredericksville parish, January 10, 1756.

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"Since the publication of that map, another has made its 'appearance in the world, much more extensive, as it comprehends all that part of the British American Empire that 'lies between Boston and the southern boundary of Virginia; the territory of the six confederate northern Indian 'nations; the river St. Lawrence, almost from Quebec to its 'source; the various communications between that river 'and the lakes and Ohio; also, Ohio, with its dependencies 'lower than the falls." * * * "With it the author has 'published an instructive, curious, and useful pamphlet, 'explanatory not only of the map, but of many particulars, 'too, relative to the face and products and natural advantages of the tract of territory which is the subject of it. 'The map is but small, not above half as large as Fry and 'Jefferson's—consequently crowded. Though both it and 'the pamphlet be liable to several exceptions, and I believe 'just ones, yet both are very useful in the main, and together give an attentive peruser a clear idea of the value 'of the now contested lands and waters to either of the two 'competitor Princes, together with a proof amounting to 'more than probability, that he of the two who shall remain 'master of Ohio and the lakes, at the end of the dispute, 'must, in the course of a few years, without an interposal of 'Providence to prevent it, become sole and absolute Lord 'of North America; to which I will further add, as my own 'private opinion, that the same *will one day or other render either* HUDSON'S RIVER AT NEW YORK, *or Potomac river, in Virginia, the* GRAND EMPORIUM *of all East Indian commodities.* Marvel not at this, however surprising it may 'seem; perhaps, before I have done with you, you will believe it to be not entirely chimerical.

"When it is considered how far the eastern branches of 'that immense river, Mississippi, extend eastward, and how 'near they come to the navigable, or rather *canoeable* parts 'of the rivers which empty themselves into the sea that 'washes our shores on the east, it seems highly probable that 'its *western* branches reach as far the other way, and make 'as near approaches *to rivers emptying themselves into the ocean to the west of us—the Pacific ocean—across which a short and easy* communication—short in comparison with 'the present thither—opens itself to the navigation from that 'shore of the continent into the Eastern Indies." * *

"There are more than probable reasons for believing that 'the western branches of this river are no less extensive 'than its eastern branches. This is a common property of 'most rivers, and that it is of the Mississippi, I have the 'authority of one Mr. Cox, an English gentleman who, 'either some time before, or during the reign of King William III.—in virtue of a charter granted by Charles I., if 'I remember right, for I speak without books—to his attorney general, Sir Robert Heath, constituting him the lord-'proprietor of the lands and waters of the Mississippi, and 'afterwards transferred through several hands, till it fell into 'those of 'his gentleman—sailed up to its great falls, *near one thousand five hundred miles from its mouth;* both took 'its soundings that whole distance; traced some of its considerable branches on either side, and almost up to their 'sources; made a settlement and planted a colony upon it 'near widway that distance—if my memory fails me not—'and published a map of it from his own and the company's 'journals, as far as those falls, and above them, from what 'information he could collect from the savages. One of its 'western branches, he tells you, he followed through its 'various meanders for several hundred miles, (which, I believe, *is called Missouri by the natives*, or Red river, from 'the color of its waters;) and then received intelligence 'from the natives that its head springs interlocked *in a neighboring mountain with the head springs of another river, to the westward* of these same mountains, discharging itself into a large lake called Thoyayo, which 'pours its waters through a large, navigable river, into a 'boundless sea, where, they told him, they had seen prodigious large canoes, with three masts, and men almost as 'fair as himself, if I mistake not; for, as I have read a history of the travels of an Indian towards those regions, as 'well as those of Mr. Cox, the reports of the natives to both 'of them as to the large canoes are so similar, that I, perhaps, may confound one with the other. Mr. Cox's book, 'I imagine, is very scarce. I know of but one copy in 'this colony, of which I had an accidental, and therefore 'a cursory view, about four years ago. It is a small octavo 'volume, entitled 'Cox's Carolana,' that country being thus 'called, from the donor.

"Now, sir, though this narrative hath in it something of 'the romantic air of a voyager, yet the author's accounts of 'such branches of that river and such parts of that country, 'even as high up as the latitude of Huron's Lake, and also 'his description of the extent, situation, shape, soundings, 'and other properties of the lakes now confessedly navigated by him, together with his character of the circumjacent 'lands, are said to have been found just by late discoveries, 'as far as discoveries have been made. And if so, it is but 'reasonable to give credit to what he tells us concerning 'others of its waters and countries into which, perhaps, no 'British subject has ever since penetrated.

"I presume the credit which Colonel Fry gave to Mr. 'Cox, and his recommending these matters to the consideration of the Governor and Council, gave birth to a grand 'scheme formed here about three years ago.

"The scheme might have been formed in Great Britain, 'and was this: Some persons were to be sent in *search of 'that river Missouri*, if that be the right name of it, in order *'to discover whether* IT HAD ANY SUCH COMMUNICATION 'WITH THE PACIFIC OCEAN; they were to follow that river, 'if they found it, and make exact reports of the country they 'passed through, the distance they traveled, what sort of 'navigation those rivers and lakes afforded, &c., &c.

"And this project was so near being reduced into practice that a worthy friend and neighbor of mine, who has 'been extremely useful to the colony in the many discoveries 'he has made to the westward, was appointed to be the 'chief conductor of the whole affair, and had, by order of 'their honors, drawn up a list of all the necessary implements and apparatus for such an attempt, and an estimate 'of the expense, and was upon the point of making all 'proper preparations for setting out, when a sudden stop 'was put to the further prosecution of the scheme for the 'present by a commencement of hostilities between this 'colony and the French and their Indians, which rendered 'a passage through the interjacent nations, with whom they 'are ever tampering, too hazardous to be attempted. *This*, 'I must observe to you, *still remains a secret;* and to prevent its discovery to the enemy, in case the ship I write by 'should be taken, the person to whom I have recommended 'this packet has instructions to throw it overboard in time. 'However, you are at liberty to impart it to my uncle John, 'or to any other friend of whose retentive faculty you can 'be as confident as I can be of yours.

"But to return once more. As there is such short and 'easy communication by means of canoe navigation, and 'some short portages between stream and stream from the 'Potomac, from Hudson's river, in New York, and from the 'St. Lawrence to the Ohio, the two latter through the lakes, 'the former the best and shortest. As there also is good 'navigation, not only for canoes and batteaux, but large 'flats, schooners, and sloops down the Ohio into the Mississippi, should Cox's account be true of the communication 'of this last river with the South sea, with only one portage, 'I leave you to judge of *what vast importance such a discovery would be to Great Britain*, AS WELL AS TO HER 'PLANTATIONS, WHICH, IN THAT CASE, AS I OBSERVED 'ABOVE, MUST BECOME THE GENERAL MART OF THE EUROPEAN WORLD, at least for the rich and costly products of 'the East, and a mart at which chapmen might be furnished 'with all those commodities on much easier terms than the 'tedious and hazardous, and expensive navigation to those 'countries can at present afford. This would supersede the 'necessity of going any more in quest of the *northeast passage*, which, probably, if ever discovered, will also be 'productive of another discovery, that *it lies in too inclement a latitude ever to be useful.*

"The discovery of a communication through this part 'of the continent with the South sea, would not only 'be a nursery for our seamen, but would be instrumental in 'saving the lives of great numbers of them, under Heaven, 'the protectors of you and of us, who, poor fellows, drop 'off like rotten sheep, by scorbutic disorders consequent 'upon such long voyages as that to the East Indies.

"*What an exhaustless fund of wealth would here be 'opened, superior to Potosi and all the other South American mines! What an extent of region!* WHAT A ——! 'But no more. These are visionary excursions into futurity, with which I sometimes used to feast my imagination, ever dwelling with pleasure on the consideration of 'whatever bids fair for contributing to extend the empire 'and augment the strength of our mother island; as that 'would be diffusing Liberty, both civil and religious, and her 'daughter Felicity, the wider, and at the same time be a 'means of *aggrandizing and enriching this spot of the globe*, to which every civil and social tie bind me, and for 'which I have the tenderest regard.

"But these pleasing expectations, if not entirely vanished, are much weakened and suspended, till Heaven decides the controversy between the two mighty monarchs 'now contending in some sort for the empire of the 'world."*

* See Memoirs of a Huguenot Family. Letters of the Rev. James Maury. Page 386.

Now, draw the contrast. One hundred years ago, the Missouri river was a myth; sailors, on the long voyage to India, died off with the scurvy and other diseases like rotten sheep. Indeed, so dangerous was the calling, that philosophers and political economists at that day confessed themselves at a loss whether to class the sailor at sea as among the living or the dead.

As much then as this old worthy felt that his country owed to sailors, so much, and more too, do I now feel that our country still owes to that gallant class.

What, then, has wrought these changes that have since come over the face of the sea, and the surface of this broad land? Bold mariners, steam, and the hand of improvement, guided by that "spirit of civil and religious Liberty, with her daughter Felicity," to which that worthy sage did homage in his lifetime: these are the instruments with which these great changes have been wrought.

He foresaw that New York was to be the great commercial emporium of this country. He showed theoretically why the Columbia river should exist. He predicted that the northwest passage, as a commercial question, would turn out, as you and I have seen it has, a chimera. He claimed for this country the importance of becoming the "general mart to the European world." He certainly saw far and well into the future.

As great and important as a "*canoeable*" navigation across this continent to the Pacific would have been in those days, the change which such a thoroughfare would have then made upon the business and commerce of the world would not be greater than that which this Pacific railway would now draw after it.

While the steamboat, the railway, and the telegraph, have, on one hand, compressed the earth into a smaller compass, by bringing the far corners closer together, science, with the discoveries and improvements which its lights have cast upon agriculture and the art of good husbandry, has, on the other hand, vastly enlarged its dimensions by causing two blades of grass to grow where but one stood before, and thus increasing the capacities of the earth to sustain population.

These changes have impressed their characteristics upon the affairs of life, and the whole business of the world. And in contemplating the ways of commerce now, and contrasting them with what they used to be, we are struck with the motto, which we feel rather than see, as we pass among the business marts of the world; it is the "open sesame" of the age, for "Speed's the word, and quick's the motion," is now the countersign with which we are greeted at every turn by every man of business.

Old Vasco de Gama was in a slow coach; and the voyage around Cape Horn is too tedious, too long. There is not time to go round the house, when both the front and back doors are open; we must go through it, and have access from one side of the country to the other *by a passage-way right in the middle of it.* We cannot wait six months to get our tea from China, when this railroad may give it to us fresh and good in three weeks.

The great end and aim of the vast commercial enterprises that are now on foot, that have wrought such changes and accomplished such magnificent achievements, is to bring the consumer and the producer closer together.

How beautifully and magnificently would this California railway accomplish this end!

But there is another point in my ancestor's letter from which we may, I think, learn wisdom. You observe that many of the friends of the California railway say, let us have a survey first. Why this is exactly what the people were saying one hundred years ago. Survey, survey, was the word then. I am sick of surveys. Let us do by this railway precisely what we do by all other great enterprises, and what we daily see done by corporations and States. Authorize the work, then make the surveys and locate it.

Pray pardon my earnestness upon this subject, and excuse me for troubling you with such long, but I hope not tedious, extracts from an old family letter.

Very respectfully, M. F. MAURY,
Lieutenant United States Navy.

Hon. A. C. DODGE, *U. S. Senate, Washington.*

DEBT OF TEXAN REPUBLIC.

SPEECH OF HON. W. H. SEWARD,

OF NEW YORK,

IN SENATE, *March* 1, 1853,

On an amendment proposed by Mr. PEARCE to the Civil and Diplomatic Appropriation Bill, providing for the payment of the Creditors of the late Republic of Texas.

Mr. SEWARD said:

Mr. PRESIDENT: At the epoch of annexation, 1845, the Republic of Texas possessed some property in public defenses, a large domain of unappropriated land, and revenues derived from customs. It owed a considerable debt which had been incurred in establishing independence and organizing civil government. That debt was divided into two classes: first, what has been called a domestic debt, not distinctly charged on the revenues from customs; second, what was secured to creditors by a pledge of those revenues.

Texas came into the Union as a State, under stipulations concerning her property and debts, namely: She ceded to the United States all public edifices, fortifications, and other property, pertaining to the public defense. She retained all her funds, and all of her public domain, but under

a covenant that it should be applied to the payment of her debts, with the absolute right to any surplus; and it was agreed that in no event should those debts become a charge on the Government of the United States. Thus did the United States, in the very act of union with Texas, bind her to pay her creditors, at least as far as her domain would furnish resources for that purpose.

In 1850, five years after the annexation of Texas to the United States, all those debts remained unpaid; and, adding interest thereto, they stood, on the 1st of July in that year, as follows:

Domestic debt	$4,138,733 80
Debts secured by customs pledged	8,293,947 52
Total	$12,432,681 32

During that intervening period, there had been war between the United States and Mexico, which had resulted in the annexation, by conquest and purchase, of New Mexico, a State adjacent to Texas. A border dispute existed between those States, and it was supposed by Congress necessary to adjust that dispute, in order to restore civil government in New Mexico, and even to prevent armed collision between Texas and the military force of the United States, which, it was apprehended, might terminate in a general civil war, subversive even of the union of the States.

In the midst of this dispute the creditors of Texas appeared here, and urged the settlement of their claims as a condition of the proposed adjustment. They pleaded that the United States had become liable for those debts, by absorbing the sovereignty of Texas, and that at least they had become liable for them to the extent of the value of the revenue accruing from imposts, which, although they had been specifically pledged to the creditors, had been diverted into the Treasury of the United States by the act of annexation. Thus the debt of Texas became an element of the controversy which Congress undertook to settle in 1850. Congress settled it by compromise:

1. Texas ceded her claim to some of the lands before insisted on, and accommodated her boundary to the demands of the United States.

2. Texas relinquished all claim upon the United States for the *debts* of Texas, and all other claims for indemnity.

3. In consideration of these concessions, the United States stipulated to pay $10,000,000 to Texas, in five per cent. stock of fourteen years. But—

4. It was stipulated that the United States should not pay to Texas more than $5,000,000 of the said $10,000,000 until the creditors, who had taken pledges of her revenues from customs, should have filed releases of all their claims against Texas with the Secretary of the Treasury of the United States.

Thus it appears that there were three parties to this compromise—the United States, Texas, and the creditors of Texas. The United States and Texas bound themselves *then*. The consent of creditors, whose debts were secured by customs, although postponed, was nevertheless necessary; and so they were a third party, whose consent was afterward to be given by releases. The domestic creditors, who had no specific lien, and in whose behalf the United States made no stipulation, were dismissed to the justice of Texas alone, and they disappeared at once and forever from this capital.

This is the starting-point in the present case. It is manifest that it was a cardinal object and design of that compromise that the creditors of Texas, whose debts were secured by pledges of the customs, should be satisfied by the extinguishment of their claims. The way in which it was to be done was by making that extinguishment, through the agency of Texas, a condition precedent of the payment to her of the last half of the $10,000,000.

It is manifest, also, now, that the compromise had inherent defects, which were these, viz:

1. That it did not ascertain and fix the amount which was to be paid to the creditors.

2. That it left that amount open to dispute between Texas and the creditors thus preferred.

Nevertheless, the ascertaining and establishing this amount was indispensable to the execution of the compromise. The United States were obliged to ascertain it before they could pay the five millions; and Texas was obliged to ascertain it, and see it extinguished, before she could demand the last five millions.

Each party, therefore, undertook to ascertain and fix the amount.

Texas has ascertained and fixed it at	$3,355,360 25
Which would leave to Texas of the five millions	1,644,639 75
On the other hand, the United States have ascertained and fixed the amount at	8,293,947, 55
A sum exceeding the five millions reserved for those creditors by	3,293,947 52
And exceeding the sum at which it is fixed by Texas by	4,938,587 27

It is manifest, also, that Texas holds the initiative in the action necessary to carry the compromise into effect. She must see that her creditors release herself and the United States. Moreover, not only cannot the United States pay all the creditors thus secured, but they cannot pay any until all of them shall, by the agency of Texas, have been brought to file releases. This dispute, full of loss and damage to the creditors, and of irritation between the United States and Texas, is now two years old. The debt to the creditors grows chiefly at the rate of ten per cent., while the fund is in the Treasury, drawing an interest against the United States of five per cent. It is manifest now that it is time, high time, that the controversy should be settled, and the compromise carried into effect. It is equally clear that unless Congress shall intervene, it will not be settled for an indefinite period.

The Committee on Finance proposes a plan of settlement, which is, that in lieu of the five millions of five per cent. of fourteen years, the United States shall issue stock to the amount of $8,333,333 33, at three per cent., redeemable in twenty years, and deliver it to the creditors, taking assignments for their claims, (the small excess of their claims being paid in money at the Treasury,) and that the United States shall hold the assigned claims as a bar to the claim of Texas for these five millions.

I. I consider this plan commended by its *convenience*.

1. In the first place, the creditors of Texas, for whose protection the United States, with her own consent, has intervened, will be promptly paid. Their claims will be extinguished, and this is a cardinal point.

2. The whole claim of Texas on the United States, under the compromise of 1850, will be virtually paid, which is another cardinal point.

In any event, and by her own showing, Texas will be paid to within the sum of $1,164,639 75. The difference which will remain to be adjusted, if any, will be one between the United States and Texas, which will involve no injustice to individuals—another cardinal point.

3. The expense to the United States will not be materially increased. The interest of $5,000,000 at five per cent., and of $8,333,333 at three per cent., are equal. There will be still the difference of $3,333,333 between the principal sums, to be borne by the Treasury. But we have now, and, for some time to come, are likely to have, a surplus in the Treasury, and so can buy up these $8,000,000; or, if you please, the whole $13,000,000, in one or two years, and so indemnify ourselves, in a great measure, for the additional sum advanced to settle the controversy.

II. *I consider the plan, in the next place, commended by its harmony with the principles of the compromise of* 1850.

The United States, by that compromise, assumed to guaranty ample satisfaction to the creditors in question. The sum appropriated (five millions of dollars) was appropriated because it was thought adequate to that object. The United States would then have appropriated $8,000,000, if it had been understood that the debts in question amounted to that sum; and there is no reason to doubt that Texas would have as promptly agreed to that sum as to the lesser one. However this may be, the fact now is that the compromise of 1850 has failed, for the reason that the sum assigned for the indemnity of the creditors was too small by the difference of $3,333,333. I am sure that the sum would have been fixed at what now is proposed, if it had been understood that otherwise the compromise would fail of effect for the reason that it has failed.

III. *I consider that the plan of the committee is recommended by justice.*

Justice is the basis of moral obligation. Whether there is a moral obligation between the United States and these creditors, is a question concluded by the act of annexation of 1845, and the compromise act of 1850. On what ground, other than such an obligation, did the United States, in 1845, leave to Texas a peculiar national fund, and bind her to use it to pay her creditors generally, and stipulate with her for the indemnity of the United States against those debts? On what other ground did the United States, in 1850, reserve in their own Treasury five millions of the sum to be paid to Texas, until her creditors should file their releases in the Federal Treasury? It is clear, then, that it is just, and the United States are bound to the creditors by a moral obligation to see their debts extinguished, at least as far as the sum of five millions would go. Under just such circumstances, a court of equity would, on a bill of interpleader, direct the United States to pay that fund to those creditors.

But the moral obligation under which the United States assumed to indemnify the creditors for five millions, equally holds for their indemnity to the whole amount of their claims; that is, for $8,293,947 50. If we were under no moral obligation to pay that sum, then the stipulation to pay five millions was a wanton waste of that sum without adequate consideration—a position which no one here will assume.

Such are the grounds on which the plan of the committee is defended. I proceed to consider the objections raised against it. The honorable Senator from Virginia [Mr. HUNTER] says that we are under no obligations to pay these creditors, because, in the act of annexation, Texas agreed that we should not be liable, and that she would pay them, and that the creditors had notice of that annexation on those terms, and did not protest, and therefore impliedly consented. But the honorable Senator was understood to waive this point of implied consent by the creditors.

I take the objection, however, in whatever form, and say in reply:

1. That all the world knows that a protest by the creditors against the act of annexation, would have been not more impertinent than unavailing.

2. That it may well be supposed that the creditors concerned may, in 1845, have foreseen that although the United States then refused, yet in 1850 they would assume the debts of Texas, to the amount supposed to be secured by the revenues of Texas, diverted into the Federal Treasury.

The Senator from Virginia objects, secondly, that the sovereignty of Texas was not, by the act of annexation, merged in the United States; but that, on the contrary, she still remains a sovereign State, and in the enjoyment of adequate and ample resources, viz: her public domain and capacity for direct taxation to pay the creditors.

I reply, first, that while the public domain of Texas, like our own, and her capacity for direct taxation, like our own, are valuable resources for credit, and to some extent for expenses of current administration, they are practically unavailing for the payment of a large funded debt. The resources of Texas for that purpose were her customs, which we have diverted, and so annexation, instead of increasing, has impaired the practical ability of Texas to pay her debts.

2. This objection is foreclosed by the compromise of 1850.

The Senator from Virginia objects, thirdly, that the plan proposed is a departure from the theory of annexation, which theory was that Texas should pay her own debt. And the Senator insists that the compromise of 1850 adhered to that supposed theory of the act of annexation, because it directed the $5,000,000 to be paid, not to the creditors, but to Texas herself.

I reply, that the imagined adherence in the compromise of 1850 to the theory of annexation, is an adherence in form only and not in fact, because the $5,000,000 are to be paid to Texas when she procures releases from her creditors, and never to be paid if they will never give the releases. So the stipulation is exactly the same thing as would have been a stipulation for paying the $5,000,000, or so much as should be due directly to the creditors. The departure from the supposed theory,

then, was made in 1850, and is not to be made in 1853. We must keep on in the course of 1850 till we reach the goal.

The honorable Senator objects further that this plan of the committee to pay $8,333,333 at three per cent., being less than the usual rate of interest on public stocks, is a scaling of the debts, so that creditors will not get dollar for dollar, and is therefore objectionable on the same ground that Texas is complained of. Grant this to be true, still I reply that we scale less deeply than Texas. Secondly, that we are mediating between the proper parties; and thirdly, who can complain? Not Texas, for we take nothing from her, and do not divert any fund in which she has a claim. Not the creditors, for they assent.

The Senator further objects that Texas will nevertheless come back for the $5,000,000, and will be entitled to it. I reply that Texas has already declared, by an act of January 31, 1852, that $3,355,360 25 of this same $5,000,000 is justly due to these creditors, and shall be paid to them. At the very worst, Texas will not come back for that sum. Will Texas come back for the remaining $1,644,639 75? She must produce releases from the creditors for it. They will have already released, upon a just consideration paid, not by Texas but by the United States, and after Texas had had ample time to obtain releases, and had failed, because she exacted what the creditors were neither legally nor equitably bound to yield.

The Senator from Virginia objects further that the $8,333,333, at three per cent., will cost the Treasury more than five millions at five per cent. It will cost exactly $3,333,333 more. But that is no good objection, if, first, it is necessary to pay that sum to discharge these debts; and if, secondly, it is just, both of which points have been demonstrated.

The Senator at last falls back on his original ground, that the United States are not liable for the debt of Texas, according to the law of nature or of nations. It is quite too late to raise the question after the act of annexation of 1845, and the compromise of 1850.

Nevertheless, I will briefly consider the Senator's argument.

The United States derived advantages from the annexation of Texas, and creditors had aided Texas to rise to the condition in which her union was thus advantageous. They did not give her a dowry, but they enabled her to assume her own. The union of Texas with the United States and division of her revenues were a division of her sovereignty, rendering her less fully and exclusively approachable by creditors. Was there not in these circumstances sufficient consideration to sustain the agreements between Texas and the United States for the benefit of the creditors?

Bynkershock teaches us so, (p. 191.)

Again: Texas by annexation became subject to the debts of the United States. How is it, then, that the United States could acquire Texas without coming under some moral obligation to guaranty the debts of Texas?

It remains only to notice the argument of the honorable Senator from Texas, [Mr. HOUSTON,] which seems to result in this: that Texas had a right to ascertain and fix the amount of her liabilities, and she has fixed it at $3,355,360 25, and the United States and the creditors are concluded by that decision.

I reply, that was not the agreement in the compromise. It was that the creditors should release their claims. If they will release for the $3,355,360 25 it is enough. But they have not released for that sum, and they will not.

Then the Senator insists that Texas is just and they unreasonable. I do not think so. The principle assumed by Texas is that she owes her creditors not what she agreed to pay, but the value of what she received from them. It needs only that this proposition should be stated to secure its rejection. It can be no more put in the case of Texas in regard to these debts than in any other case of public and even private indebtedness.

The argument, however, is attempted to be sustained by precedents. I reply, if sound, it needs no aid from precedents. If unsound, then no precedents can make it sound.

There is only one ground on which a Government can justly scale its debts—that is the ground of absolute inability or bankruptcy, and then there must be a devotion of all its wealth. Neither Texas nor the United States can adopt that ground. Each of the parties is prosperous, each is rich, and they can neither assume the condition nor interpose the plea of insolvency.

SENATE SPECIAL SESSION.

IN SENATE.

FRIDAY, *March* 4, 1853.

In pursuance of the proclamation of the President of the United States, the Senate of the United States assembled in the Senate Chamber at twelve o'clock, m.

After prayer by the Rev. C. M. BUTLER,

Mr. CASS rose and said: I have been requested to ask the Senators to come to order.

NEW MEMBERS.

Mr. BADGER. I submit this resolution, which I hope will be adopted:

Resolved, That the oath prescribed by the Constitution be administered to the new members of the Senate by the Hon. LEWIS CASS, the oldest member of the Senate.

The resolution was considered by unanimous consent, and agreed to.

Mr. BADGER. I move that the roll of new Senators be now called.

The motion was agreed to.

The Secretary read the list, as follows:

Hon. C. G. ATHERTON, of New Hampshire.
Hon. JUDAH P. BENJAMIN, of Louisiana.
Hon. JOHN M. CLAYTON, of Delaware.
Hon. STEPHEN A. DOUGLAS, of Illinois.
Hon. JOSIAH J. EVANS, of South Carolina.
Hon. EDWARD EVERETT, of Massachusetts.
Hon. SAM HOUSTON, of Texas.
Hon. ROBERT M. T. HUNTER, of Virginia.
Hon. GEORGE W. JONES, of Iowa.
Hon. WILLIAM K. SEBASTIAN, of Arkansas.
Hon. CHARLES E. STUART, of Michigan.
Hon. JOHN B. THOMPSON, of Kentucky.
Hon. JOHN R. THOMSON, of New Jersey.
Hon. WILLIAM WRIGHT, of New Jersey.

Each of these gentlemen, as his name was called, came forward, and the oath prescribed by the Constitution having been administered to him by the Hon. LEWIS CASS, took his seat in the Senate.

PRESIDENT PRO TEMPORE.

Mr. SHIELDS. With the unanimous consent of the Senate, I ask leave to offer the following resolution:

Resolved, That the Hon. DAVID R. ATCHISON continue President *pro tempore* of the Senate.

The resolution was unanimously adopted.

Mr. ATCHISON, on taking the chair, addressed the Senate as follows:

SENATORS: Permit me to return my sincere thanks for the honor that you have again conferred on me, and the evidence of your kind personal consideration, and also for your confidence in my integrity and impartiality.

INAUGURATION CEREMONIES.

The PRESIDENT. The Sergeant-at-Arms will proceed to carry out the arrangements made by the committee for the inauguration of the President elect of the United States, so far as the positions in this Chamber are concerned.

The Sergeant-at-Arms proceeded to introduce gentlemen to the floor of the Senate, in accordance with the arrangements which were prescribed by the appropriate committee.

The Chief Justice and Associate Justices of the Supreme Court, in their robes, were accommodated with seats on the right and left of the platform of the officers of the Senate. The diplomatic corps, in their official costume, occupied the seats without the bar, on the left of the principal entrance; the Cabinet of the outgoing President, General Scott, and others entitled to admission, occupied the seats on the right. To ex-members of Congress and members elect was assigned the eastern lobby, and Senators retained their own seats. The circular gallery was filled exclusively by ladies, and the eastern gallery by gentlemen, intermingled with whom were several ladies. Every part of the Chamber, and every avenue by which it was approached, was densely crowded.

At half-past one o'clock, the President elect entered the Senate Chamber, leaning on the arm of the Hon. JESSE D. BRIGHT, chairman of the Committee of Arrangements. They were followed by the outgoing President, who was supported by the Hon. THOMAS G. PRATT, and the Hon. HANNIBAL HAMLIN, members of the Committee of Arrangments. MILLARD P. FILLMORE, Esq., Private Secretary of the retiring President, succeeded, accompanied by SIDNEY WEBSTER, Esq., the Private Secretary of the President elect. They were conducted to seats in front of the President's chair.

Amongst the other gentlemen who accompanied the President elect to the Senate Chamber, were the Hon. WILLIAM L. MARCY, of New York; Hon. JAMES C. DOBBIN, of North Carolina; Hon. JAMES GUTHRIE, of Kentucky; Hon. ROBERT McCLELLAND, of Michigan; and the Hon. JAMES CAMPBELL, of Pennsylvania.

The preparations being complete, those assembled in the Senate Chamber proceeded to the eastern portico of the Capitol, in the following order:

The Marshal of the District of Columbia.
The Supreme Court of the United States.
The Sergeant-at-Arms of the Senate.
The Committee of Arrangements.
The President elect and the ex-President.
The President *pro tempore* and the Secretary of the Senate.
The Members of the Senate.
The Diplomatic Corps.
Heads of Departments, Governors of States and Territories, the Mayors of Washington and Georgetown, and other persons who had been admitted into the Senate Chamber.

After the oath of office had been administered the President delivered the following

INAUGURAL ADDRESS:

MY COUNTRYMEN: It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others rather than desirable for myself.

The circumstances under which I have been called, for a limited period, to preside over the destinies of the Republic, fill me with a profound sense of responsibility, but with nothing like shrinking apprehension. I repair to the post assigned me, not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers. I ought to be, and am, truly grateful for the rare manifestation of the nation's confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness: you must sustain me by your strength. When looking for the fulfillment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed in the administration both of your home and foreign affairs.

Whether the elements of inherent force in the Republic have kept pace with its unparalleled progression in territory, population, and wealth, has been the subject of earnest thought and discussion on both sides of the ocean. Less than sixty-four years ago the Father of his Country made the then "recent accession of the important State of North Carolina to the Constitution of the United States" one of the subjects of his special congratulation. At that moment, however, when the agitation consequent upon the revolutionary struggle had hardly subsided, when we were just emerging from the weakness and embarrassments of the Confederation, there was an evident consciousness of vigor, equal to the great mission so wisely and bravely fulfilled by our fathers. It was not a presumptuous assurance, but a calm faith, springing from a clear view of the sources of power in a Government constituted like ours. It is no paradox to say, that although comparatively weak, the new-born nation was intrinsically strong. Inconsiderable in population and apparent resources, it was upheld by a broad and intelligent comprehension of rights, and an all-pervading purpose to maintain them, stronger than armaments. It came from the furnace of the Revolution, tempered to the necessities of the times. The thoughts of the men of that day were as practical as their sentiments were patriotic. They wasted no portion of their energies upon idle and delusive speculations, but with a firm and fearless step advanced beyond the governmental landmarks which had hitherto circumscribed the limits of human freedom, and planted their standard where it has stood against dangers which have threatened from abroad, and internal agitation which has at times fearfully menaced at home. They approved themselves equal to the solution of the great problem, to understand which their minds had been illuminated by the dawning lights of the Revolution. The object sought was not a thing dreamed of: it was a thing realized. They had exhibited not only the power to achieve, but what all history affirms to be so much more unusual, the capacity to maintain. The oppressed throughout the world, from that day to the present, have turned their eyes hitherward, not to find those lights extinguished, or to fear lest they should wane, but to be constantly cheered by their steady and increasing radiance.

In this, our country has, in my judgment, thus far fulfilled its highest duty to suffering humanity. It has spoken, and will continue to speak, not only by its words, but by its acts, the language of sympathy, encouragement, and hope to those who earnestly listen to tones which pronounce for the largest rational liberty. But, after all, the most animating encouragement and potent appeal for freedom will be its own history, its trials, and its triumphs. Preëminently the power of our advocacy reposes in our example; but no example, be it remembered, can be powerful for lasting good, whatever apparent advantages may be gained, which is not based upon eternal principles of right and justice. Our fathers decided for themselves, both upon the hour to declare and the hour to strike. They were their own judges of the circumstances under which it became them to pledge to each other "their lives, their fortunes, and their sacred honor," for the acquisition of the priceless inheritance transmitted to us. The energy with which that great conflict was opened, and, under the guidance of a manifest and beneficent Providence, the uncomplaining endurance with which it was prosecuted to its consummation, were only surpassed by the wisdom and patriotic spirit of concession which characterized all the counsels of the early fathers.

One of the most impressive evidences of that wisdom is to be found in the fact that the actual working of our system has dispelled a degree of solicitude which, at the outset, disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population, has proved to be unfounded. The stars upon you banner have become nearly threefold their original number, your densely populated possessions skirt the shores of the two great oceans, and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and the Federal Government in their respective constitutional spheres, but has afforded an additional guarantee of the strength and integrity of both.

With an experience thus suggestive and cheering, the policy of my administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation, and our position on the globe, render the acquisition of certain possessions not within our jurisdiction, eminently important for our protection, if not, in the future, essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith. We have nothing in our history or position to invite aggression; we have everything to beckon us to the cultivation of relations of peace and amity with all nations. Purposes, therefore, at once just and pacific, will be significantly marked in the conduct of our foreign affairs. I intend that my administration shall leave no blot upon our fair record, and trust I may safely give the assurance that no act within the legitimate scope of my constitutional control will be tolerated on the part of any portion of our citizens which cannot challenge a ready justification before the tribunal of the civilized world. An Administration would be unworthy of confidence at home, or respect abroad, should it cease to be influenced by the conviction that no apparent advantage can be purchased at a price so dear as that of national wrong or dishonor. It is not your privilege, as a nation, to speak of a distant past. The striking incidents of your history, replete with instruction, and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your future is boundless. Its obligations throng the unexplored pathway of advancement, and will be limitless as duration. Hence a sound and comprehensive policy should embrace not less the distant future than the urgent present.

The great objects of our pursuit, as a people, are best to be attained by peace, and are entirely consistent with the tranquillity and interests of the rest of mankind. With the neighboring nations upon our continent we should cultivate kindly and fraternal relations. We can desire nothing in regard to them so much as to see them consolidate their strength, and pursue the paths of prosperity and happiness. If, in the course of their growth, we should open new channels of trade, and create additional facilities for friendly intercourse, the benefits realized will be equal and mutual. Of the complicated European systems of national policy we have heretofore been independent. From their wars, their tumults, and anxieties, we have been, happily, almost entirely exempt. Whilst these are confined to the nations which gave them existence, and within their legitimate jurisdiction, they cannot affect us, except as they appeal to our sympathies in the cause of human freedom and universal advancement. But the vast interests of commerce are common to all mankind, and the advantages of trade and international intercourse must always present a noble field for the moral influence of a great people.

With these views firmly and honestly carried out, we have a right to expect, and shall, under all circumstances, require prompt reciprocity. The rights which belong to us as a nation are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment, or title to secure for him place, it will be his privilege, and must be his acknowledged right, to stand unabashed, even in the presence of princes, with a proud consciousness that he is himself one of a nation of sovereigns, and that he cannot, in legitimate pursuit, wander so far from home that the agent whom he shall leave behind in the place I now occupy, will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize that upon every sea, and on every soil, where our enterprise may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights. And, in this connection, it can hardly be necessary to reaffirm a principle which should now be regarded as fundamental. The rights, security, and repose of this Confederacy reject the idea of interference or colonization, on this side of the ocean, by any foreign Power, beyond present jurisdiction, as utterly inadmissible.

The opportunities of observation, furnished by my brief experience as a soldier, confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the Government, that the maintenance of large standing armies in our country would be not only dangerous, but unnecessary. They also illustrated the importance, I might well say the absolute necessity, of the military science and practical skill furnished, in such an eminent degree, by the institution which has made your Army what it is, under the discipline and instruction of officers not more distinguished for their solid attainments, gallantry, and devotion to the public service, than for unobtrusive bearing and high moral tone. The Army, as organized, must be the nucleus around which, in every time of need, the strength of your military power, the sure bulwark of your defense—a national militia—may be readily formed into a well disciplined and efficient organization. And the skill and self-devotion of the Navy assure you that you may take the performance of the past as a pledge for the future, and may confidently expect that the flag which has waved its untarnished folds over every sea, will still float in undiminished honor. But these, like many other subjects, will be appropriately brought, at a future time, to the attention of the coödinate branches of the Government, to which I shall always look with profound respect, and with trustful confidence that they will accord to me the aid and support which I shall so much need, and which their experience and wisdom will readily suggest.

In the administration of domestic affairs you expect a devoted integrity in the public service, and an observance of rigid economy in all departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts, in a very important particular, must result in a humiliating failure. Offices can be properly regarded only in the light of aids for the accomplishment of these objects; and as occupancy can confer no prerogative, nor importunate desire for preferment any claim, the public interest imperatively demands that they be considered with sole reference to the duties to be performed. Good citizens may well claim the protection of good laws and the benign influence of good government; but a claim for office is what the people of a Republic should never recognize. No reasonable man of any party will expect the Administration to be so regardless of its responsibility, and of the obvious elements of success, as to retain persons, known to be under the influence of political hostility and partisan prejudice, in positions which will require not only severe labor, but cordial coöperation. Having no implied engagements to ratify, no rewards to bestow, no resentments to remember, and no personal wishes to consult, in selections for official station, I shall fulfill this difficult and delicate trust, admitting no motive as worthy either of my character or position which does not contemplate an efficient discharge of duty and the best interests of my country. I acknowledge my obligations to the masses of my countrymen, and to them alone. Higher objects than personal aggrandizement gave direction and energy to their exertions in the late canvass, and they shall not be disappointed. They require at my hands diligence, integrity, and capacity, wherever there are duties to be performed. Without these qualities in their public servants, more stringent laws for the prevention or punishment of fraud, negligence, and peculation will be vain. With them, they will be unnecessary.

But these are not the only points to which you look for vigilant watchfulness. The dangers of a concentration of all power in the General Government of a Confederacy so vast as ours, are too obvious to be disregarded. You have a right, therefore, to expect your agents, in every Department, to regard strictly the limits imposed upon them by the Constitution of the United States. The great scheme of our constitutional liberty rests upon a proper distribution of power between the State and Federal authorities; and experience has shown that the harmony and happiness of our people must depend upon a just discrimination between the separate rights and responsibilities of the States and your common rights and obligations under the General Government. And here, in my opinion, are the considerations which should form the true basis of future concord, in regard to the questions which have most seriously disturbed public tranquillity. If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its action upon any question should endanger the institutions of the States, or interfere with their right to manage matters strictly domestic according to the will of their own people.

In expressing briefly my views upon an important subject which has recently agitated the nation to almost a fearful degree, I am moved by no other impulse than a most earnest desire for the perpetuation of that Union which has made us what we are, showering upon us blessings, and conferring a power and influence which our fathers could hardly have anticipated, even with their most sanguine hopes directed to a far-off future. The sentiments I now announce were not unknown before the expression of the voice which called me here. My own position upon this subject was clear and unequivocal, upon the record of my words and my acts; and it is only recurred to at this time because silence might perhaps be misconstrued. With the Union my best and dearest earthly hopes are entwined. Without it, what are we, individually or collectively? What becomes of the noblest field ever opened for the advancement of our race, in religion, in government, in the arts, and in all that dignifies and adorns mankind? From that radiant constellation, which both illumes our own way and points out to struggling nations their course, let but a single star be lost, and, if there be not utter darkness, the luster of the whole is dimmed. Do my countrymen need any assurance that such a catastrophe is not to overtake them while I possess the power to stay it?

It is with me an earnest and vital belief, that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of the continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children. The field of calm and free discussion in our country is open, and will always be so, but it never has been and never can be traversed for good in a spirit of sectionalism and uncharitableness. The founders of the Republic dealt with things as they were presented to them, in a spirit of self-sacrificing patriotism, and, as time has proved, with a comprehensive wisdom which it will always be safe for us to consult. Every measure tending to strengthen the fraternal feelings of all the members of our Union has had my heartfelt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance. I believe that involuntary servitude, as it exists in different States of this Confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the "compromise measures," are strictly constitutional, and to be unhesitatingly carried into effect. I believe that the constituted authorities of this Republic are bound to regard the rights of the South in this respect as they would view any other

legal and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully, and according to the decisions of the tribunal to which their exposition belongs. Such have been and are my convictions, and upon them I shall act. I fervently hope that the question is at rest, and that no sectional, or ambitious, or fanatical excitement may again threaten the durability of our institutions, or obscure the light of our prosperity.

But let not the foundation of our hope rest upon man's wisdom. It will not be sufficient that sectional prejudices find no place in the public deliberations. It will not be sufficient that the rash counsels of human passion are rejected. It must be felt that there is no national security but in the nation's humble, acknowledged dependence upon God and his overruling providence.

We have been carried in safety through a perilous crisis. Wise counsels, like those which gave us the Constitution, prevailed to uphold it. Let the period be remembered as an admonition, and not as an encouragement, in any section of the Union, to make experiments where experiments are fraught with such fearful hazard. Let it be impressed upon all hearts, that, beautiful as our fabric is, no earthly power or wisdom could ever reunite its broken fragments. Standing as I do almost within view of the green slopes of Monticello, and, as it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering around me, like so many eloquent voices of exhortation from Heaven, I can express no better hope for my country than that the kind Providence which smiled upon our fathers may enable their children to preserve the blessings they have inherited.

The President having concluded his address, the Senate returned to its Chamber, and resumed its business.*

* THE INAUGURATION attracted to the metropolis a greater number of persons from places more or less remote than any previous occasion of the kind, or indeed any ceremonial whatever. Possibly the census of our district cities has been increased within a week upwards of twenty thousand, so that all our hotels, boarding-houses, and places of public entertainment, not to mention the great extension of private hospitalities, have been crowded as never before. Every contrivance that ingenuity and a spirit of accommodation could devise has been put into requisition, in many establishments, to render the vast and sudden influx of strangers all the comfort possible. Though many persons residing within moderate distances from the city returned home after the conclusion of the ceremonies, by railroad and private vehicles, still the places of public entertainment are fully occupied.

At an early hour this morning drums beat and music resounded in various parts of the city, as it were to arouse and prepare the people for the pageant of the day. The country adjacent poured in upon us from every point of the compass, by carriage, horse, and foot, until at length there must have been for a time approximating seventy or eighty thousand persons within our city limits. During the forenoon, Pennsylvania avenue was lined with patiently-expectant spectators, either standing at favorable positions on the sidewalks, or thronging the windows commanding the line of procession. The weather was not pleasant; a raw northeasterly wind, wafting a pretty continuous, though fast melting snow, made its effects felt.

As per programme, the military companies of our own and other places (eighteen in number) met on the parade ground in front of the City Hall, where they were organized under the command of Colonel William Hickey, commanding the volunteer regiment of the District of Columbia. The other constituent parts of the procession took position upon the same ground. They then, about noon, marched thence down Louisiana to Pennsylvania avenue, to escort the President elect from his lodgings (Willard's Hotel) to the Capitol. Arrived at the hotel, the procession was joined by an open barouche, containing the President and President elect, the Hons. Jesse D. Bright and Hannibal Hamlin, of the Committee of Arrangements; the barouche being surrounded by the Marshal of the District of Columbia and his Aids, and followed by several Democratic and Firemen's associations.

By prior arrangement, in order to accommodate the people as much as possible in their view of the ceremony of the inauguration, the large gates of the Capitol yard were closed to carriages. The President's party and the diplomatic corps were admitted by the north side gate, and a covered way to the north door of the Capitol. The remaining (pedestrian) portion of the procession, with the people at large, entered by the northern side gate.

The President, President elect, and Committee of Arrangements, Marshals, &c., having arrived in the Senate Chamber, after the usual formalities there, they proceeded thence to the platform erected for the occasion over the steps leading up to the eastern portico. The President elect then stood forward, and, holding up his right hand, took the oath of office, which was administered by the Chief Justice of the United States. The new President then delivered his Inaugural Address.—*National Intelligencer.*

HOUR OF MEETING.

On the motion of Mr. RUSK, it was ordered that the daily hour of meeting shall be twelve o'clock, m.

RECESS.

On motion by Mr. WELLER, it was ordered that when the Senate adjourns, it adjourn to meet on Monday next.

On motion by Mr. PETTIT, the Senate adjourned.

MONDAY, *March* 7, 1853.

Prayer by the Rev. C. M. BUTLER.

The Journal of the proceedings in the special session on Friday last, embracing the proclamation of the President of the United States by which it was convened, was read.

On the motion of Mr. FISH, the Journal was corrected. It was stated that his colleague [Mr. SEWARD] was present on Friday last, whereas he had been temporarily called home by indisposition in his family.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. WALKER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That a committee, consisting of two members, be appointed by the President of the Senate to wait on the President of the United States, and inform him that the Senate is assembled, and ready to receive any communications he may be pleased to make.

Mr. WALKER and Mr. PHELPS were appointed the committee.

CLAYTON-BULWER TREATY.

Mr. CLAYTON. I submit the following resolution:

Resolved, That the President be respectfully requested, if compatible in his opinion with the public interest, to communicate to the Senate the propositions mentioned in the letter of the Secretary of State accompanying the Executive message to the Senate of the 18th February last, as having been agreed upon by the Department of State, the British Minister, and the State of Costa Rica, on the 30th of April, 1852, having for their object the settlement of the territorial controversies between the States and Governments bordering on the river San Juan.

Resolved, That the Secretary of State be directed to communicate to the Senate such information as it may be in the power of his Department to furnish, in regard to the conflicting claims of Great Britain and the State of Honduras to the Islands of Roatan, Bonacca, Utilla, Barbarat Helene, and Morat, in or near the Bay of Honduras.

I desire to say, that whenever that resolution can come before the Senate without interfering with the necessary business of the Senate at this time, it is my purpose to discuss the topics which are suggested by the resolution. I hope to have the opportunity of doing so at an early period.

HON. DAVID L. YULEE.

Mr. MORTON submitted the following resolution for consideration:

Resolved, That there be paid out of the contingent fund of the Senate to the honorable David L. Yulee, a sum equal to the amount of mileage and per diem compensation of a Senator, from the commencement of the first session of the Thirty-second Congress to the 27th of August, 1852, the day on which the Senate decided that the honorable Stephen R. Mallory, whose seat in the Senate was claimed by him, was duly elected a member of the Senate from the State of Florida.

REPAIRING OF CAPITOL ROOMS.

Mr. JONES, of Iowa, submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate pay the amount which may be allowed by the Committee to Audit and Control the Contingent Expenses of the Senate, for the expenses incurred during the last session, in repairing and fitting up for use two rooms in the basement of the Capitol.

SENATOR FROM LOUISIANA.

Mr. SOULE. I present to the Senate the memorial of several members of the General Assembly of the State of Louisiana, protesting against the action of the Legislature of that State in electing my present colleague [Mr. BENJAMIN] to the seat which he now occupies. The question raised is as to the legality of that election by the Legislature of 1852. The Legislature has this year declined going into a new election, thereby either indorsing the action of the Legislature in 1852, or conceding that they had no right to proceed to a new election. Such being the circumstances under which the memorial has been sent to me, I comply with the request directing me to present it to the Senate, but shall decline taking any further action upon the subject.

The memorial was received, and ordered to lie upon the table.

PAPERS WITHDRAWN.

Mr. MASON. I have been requested to ask leave to withdraw the petition and papers of the heir of William Lindsay, an officer in the Revolution, praying an allowance of five years' full pay on behalf of the lady who is his only heir. They were presented in 1843.

Leave was given.

MESSAGE FROM THE PRESIDENT.

Mr. WALKER. The Select Committee, whose duty it was made to wait on the President of the United States and inform him that the Senate had met and was ready to receive any communications which he had to make, has performed that duty, and received for answer that he would forthwith communicate to the Senate in writing.

Several messages in writing, which the President of the Senate announced to be Executive messages, were subsequently received from the President by Mr. SYDNEY WEBSTER, his Private Secretary.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

TUESDAY, *March* 8, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BRIGHT. It is necessary, to carry out the organization of the Executive session, to appoint committees. Each side of the Chamber has conferred and agreed upon the list which the honorable Senator from North Carolina [Mr. BADGER] holds in his hand. It requires unanimous consent to permit him to present that report, and to have it acted upon. The report which he makes will be temporary—for this session only; and at the next session of Congress there will be a reorganization. I move that he have unanimous consent to present that list, and that it be acted upon without proceeding to ballot, as is prescribed by the rules of the Senate.

Unanimous consent was given.

Mr. BADGER. I believe, since I have been a member of this Senate, this has been the usual custom which has been pursued. This list has necessarily been prepared in great haste, and, as stated by the honorable Senator from Indiana, for the purposes of the present session. The list is as follows.

On Foreign Relations.—Mr. Mason, chairman; Messrs. Douglas, Clayton, Norris, and Everett.

On Finance.—Mr. Hunter, chairman; Messrs. Bright, Pearce, Gwin, and Badger.

On Commerce.—Mr. Hamlin, chairman; Messrs. Soulé, Seward, Dodge of Wisconsin, and Benjamin.

On Military Affairs.—Mr. Shields, chairman; Messrs. Borland, Dawson, Fitzpatrick, and Jones of Tennessee.

On Naval Affairs.—Mr. Gwin, chairman; Messrs. Mallory, Fish, Thomson of New Jersey, and Toombs.

On Public Lands.—Mr. Borland, chairman; Messrs. Dodge of Iowa, Pratt, Pettit, and Thompson of Kentucky.

On Indian Affairs.—Mr. Sebastian, chairman; Messrs. Walker, Cooper, Rusk, and Smith.

On Claims.—Mr. Brodhead, chairman; Messrs. Adams, Pratt, Chase, and Wade.

On the Judiciary.—Mr. Butler, chairman; Messrs. Toucey, Geyer, Stuart, and Phelps.

On the Post Office and Post Roads.—Mr. Rusk, chairman; Messrs. Soulé, Morton, Hamlin, and Smith.

On Roads and Canals.—Mr. Bright, chairman; Messrs. Douglas, Geyer, Adams, and Sumner.

On Pensions.—Mr. Jones, of Iowa, chairman; Messrs. Weller, Foot, Evans, and Toombs.

On the District of Columbia.—Mr. Shields, chairman; Messrs. Norris, Badger, Mallory, and Cooper.

On Patents and the Patent Office.—Mr. James, chairman; Messrs. Evans, Dawson, Stuart, and Smith.

On Territories.—Mr. Douglas, chairman;

Messrs. Weller, Cooper, Houston, and Jones of Tennessee.

To Audit and Control the Contingent Expenses of the Senate.—Mr. Dodge, of Iowa, chairman; Messrs. Foot and Bright.

On Public Buildings.—Mr. James, chairman; Messrs. Badger and Hunter.

On the Library.—Mr. Pearce, chairman; Messrs. Bayard and Atherton.

The committees were agreed to.

HON. DAVID L. YULEE.

Mr. MORTON. I desire to ask the Senate to take up for consideration the resolution which I submitted yesterday, in relation to the per diem and mileage of my late colleague, [Mr. YULEE.] I am anxious that it should receive the action of the Senate, one way or the other.

Mr. CLAYTON. I hope the Senator will not press his request now.

Mr. MORTON. If there are any other matters before the Senate, I will not press it this morning.

Mr. CLAYTON. I hope the Senator will permit the resolutions I submitted yesterday, to be taken up.

Mr. MORTON. I withdraw my request.

CLAYTON-BULWER TREATY.

The Senate proceeded to the consideration of the resolutions submitted yesterday by Mr. CLAYTON, as follows:

Resolved, That the President be respectfully requested, if compatible, in his opinion, with the public interest, to communicate to the Senate the propositions mentioned in the letter of the Secretary of State accompanying the Executive message to the Senate of the 18th February last, as having been agreed upon by the Department of State, the British Minister, and the State of Costa Rica, on the 30th of April, 1852, having for their object the settlement of the territorial controversies between the States and Governments bordering on the river San Juan.

Resolved, That the Secretary of State be directed to communicate to the Senate such information as it may be in the power of his Department to furnish, in regard to the conflicting claims of Great Britain and the State of Honduras to the islands of Roatan, Bonacca, Utilla, Barbarat, Helene, and Morat, in or near the Bay of Honduras.

Mr. CLAYTON addressed the Senate for more than two hours upon the resolutions, and without concluding, gave way to a motion to postpone the further consideration of the resolutions until to-morrow; which was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were re-opened, and

The Senate adjourned.

WEDNESDAY, *March* 9, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BADGER. In proposing the committees yesterday, an oversight was made in regard to the Committee on Printing, which, as it may be necessary in the course of the Executive session, I ask the unanimous consent of the Senate to have now appointed. I propose that the following be the members of that committee: Mr. BORLAND, chairman; Messrs. HAMLIN and SMITH.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. BADGER. I desire to ask a few minutes of the time of the Senate this morning, for the purpose of making what is commonly called a personal explanation. It is the first time in the course of my service in the Senate—which has now extended into the seventh session—that I have ever troubled myself with any matters which happen outside of the Chamber, and have ever thought any personal concern of mine important enough to excite the attention of this body. I am in the habit of looking on every assault made against me in the public press with indifference, bordering very strongly on contempt, and perhaps have carried the matter rather further than a just consideration of what is due to my position and to my constituents exactly warranted. But a case has now arisen which I feel myself bound to make an exception to the general rule of silence, indifference, and contempt, which I have observed, because it is necessary to do so, both in justice to myself and to Mr. MANGUM, my late colleague in this body. A friend has transmitted to me a slip which I hold in my hand, taken from a political newspaper printed in the town of Wilmington, North Carolina, which I ask may be read as the basis of the observations which I have to submit to the Senate.

The Secretary read it as follows:

"THIS WEEK.—The close of business on Thursday night virtually concludes the present Administration of national affairs. At twelve o'clock on Friday, Franklin Pierce will take the oath of office as President of the United States.

"The present Congress will also end at the same time, and there is great reason to fear that it will go out without having done anything for our river or bars. The only chance now is with the Senate, and both the Senators from this State turn their backs upon the affair and upon us. Whig or Democrat, Federalist or Republican, we must have a Cape Fear Senator, if we hope to have anything done for the interests of this portion of the State. Messrs. Badger and Mangum care for us about the value of a chew of tobacco. Perhaps, however, Mr. Ashe may yet be able to effect something through others; but it is an up-hill business, when even the urgent resolutions of the Legislature of their own State cannot induce our North Carolina Senators to coöperate with him. That they have refused to do so, we *know*."

Mr. BADGER. The second session which I served in this body, I was called upon by the inhabitants of Wilmington, and others who were immediately interested in the navigation of Cape Fear river at and below that town, to endeavor to secure some appropriation furnishing lights and buoys for that river. I set myself to work, as of course I was bound to do, and endeavored to have that measure of just relief extended to the people of that portion of the State; and I was successful in procuring the first and, so far as I know, the only effectual measure for giving security to the navigation of that stream. On that and on every occasion, it has been my custom rather to endeavor to do what the interests of my constituents required, than to make a public exhibition of myself on this floor as their friend, always preferring to have measures adopted for their relief rather than to make speeches by which I might hold myself forth as their special champion. This winter my attention was early called to the necessity for an appropriation in respect to the entrance of Cape Fear river, the case made being this: The Government of the United States had established certain jetties to protect the site of Fort Caswell, the effect of which had been to make that side of the entrance firm, but to turn the current to Bald Head, on the opposite point; and by washing loose sands to precipitate them into the channels, and so to promote a rapid filling up, the consequence of which was that the channel was shallowed from twenty to twelve feet, and was losing its present depth at the rate of nine inches a year. The Legislature of the State adopted a resolution on the subject, which I had the honor to present here, and had referred to the Committee on Commerce. I felt the absolute necessity for something being done, and done promptly; that it was a condition of things not only that required relief, but which did not admit of delay in affording that relief.

I learned afterwards, from my friend who is at the head of the Committee of Commerce, [Mr. HAMLIN,] that the committee had declined to report any separate measure, and would allow these things to be considered only upon a general bill. I thought that was unjust to the particular locality of which I have spoken, and having provided myself with a communication from Professor Bache, showing not only the necessity of the work, but that it was indispensable that it should be immediately commenced, I procured the unanimous consent of the Committee on Naval Affairs to report an amendment proposing an appropriation of $50,000 for the object. At the same time the committee unanimously concurred in reporting a similar amendment for removing wrecks from the Savannah river, in the State of Georgia; and as I was called upon by you, sir, to relieve you in part from the oppressive labors brought upon the Chair by the close of the session, it was agreed between me and the late Senator from Georgia (Mr. CHARLTON) that the amendment should be offered by him. I signified to several of my friends on this floor, particularly my friends on the Democratic side of the Chamber—among whom it gives me great satisfaction to say that I have many warm ones—that this was a measure not only right and proper in itself; not only requiring immediate provisions by law, but that I felt a personal interest and anxious personal desire that the amendment should be adopted. The two amendments were proposed by the late Senator from Georgia. They were adopted. They were sent to the House of Representatives, which refused its concurrence. The honorable chairman of the Committee on Naval Affairs, [Mr. GWIN,] who was upon the two Committees of Conference between the two Houses upon the Navy appropriation bill, knows, that at my earnest instance, he made it a point to insist upon those amendments; and my friend from Georgia, also, [Mr. DAWSON,] a member of the committee, who is not now present, joined him in insisting upon it; and feeling the present necessity, as well as yielding to my personal wishes and solicitation on the subject, offered in committee that he would surrender the appropriation for the river in his own State, if the House committee would agree to permit this appropriation for Cape Fear to pass.

In all these proceedings I had the cheerful, hearty, and anxious concurrence of Mr. MANGUM, my late colleague, who in each and every respect acted as became an American Senator and as a North Carolinian, feeling it his special duty to provide for what was necessary for any and every portion of the State which jointly with me he represented on this floor.

In these proceedings, Mr. President, I discharged nothing more than I felt to be my duty. I desired no thanks. I expected no commendation. At least I knew I should receive none from the quarter from which the extract which has been read comes. But I did think, and do think, that it is a little hard, when a gentleman has thus endeavored to procure what is desired for a particular locality in his State, that he should be falsly denounced as having utterly refused to coöporate with the gentleman who represents that district in the other House, in endeavoring to procure this relief, and turned his back as in scorn and contempt to the application.

Mr. President, I feel desirous, now and ever, to vindicate myself from the suspicion that under any circumstances I could permit personal or political considerations, public or private griefs, to induce me to neglect any duty which belongs to me as an American Senator, and especially any duty which belongs to me as a Senator from the State of North Carolina. This communication remarks, that it is absolutely necessary, in order to have these things done, that the Cape Fear portion of the State shall have a Senator upon this floor. I have no doubt that there are many gentlemen there who could represent the State on this floor with far greater ability than myself, and possibly with greater ability than my late colleague; but this I venture to assert, that no man from that or any other section of the State, can ever represent it with truer devotion, and more earnest and unfaltering attention to the promotion of every interest of North Carolina of which the General Government has charge; and I will add another thing, that, if any gentleman shall be sent here from the Cape Fear region, and he expects to procure the aid or assistance of the Senate in promoting measures of internal improvements, whether of harbors or rivers, which he may deem essential in his own State, he will have to adopt a different system of tactics, and avow a different system of principles from those which have generally been avowed by the representatives of that portion of the State. It is not the most persuasive method of getting gentlemen who represent other portions of the country to do anything for North Carolina, to announce that he who asks the assistance or favor is utterly opposed to doing anything for any other portions of the country.

Mr. President, I am sorry to have trespassed upon the Senate, and especially that I have been obliged to make this statement, containing necessarily so much of egotism; but I felt that it was due to myself. I did not choose that my constituents in North Carolina, my Democratic constituents, who are just and honorable men, should, by anything in the party press, suppose me to be the unworthy person which I am represented in that publication to be. I take this method, in justice to my late colleague and myself, of putting this matter right, because the leading Democratic journal here, being one of the official reporters of the Senate, this explanation will appear in its columns, and be read by hundreds in North Carolina who never otherwise would see it. I believe I

might appeal, if necessary, for confirmation of what I have said to the honorable Senator from California, [Mr. GWIN,] the chairman of the Committee on Commerce, [Mr. HAMLIN,] and to other Senators, but I have done.

Mr. GWIN. I consider it an act of duty to the honorable Senator from North Carolina, to corroborate every word he has stated with regard to this matter. He brought that subject to the notice of the Committee on Naval Affairs before the naval appropriation bill had come from the House of Representatives, and he always pressed it upon me as an important measure, and manifested an earnest desire to have the subject considered when we met at the proper time. When the naval appropriation bill came from the House of Representatives, it was at so late a period in the session, that without being fully considered, I am sure without being considered at all in the Committee on Finance, it was reported without amendment, and the responsibility was thrown upon the Naval Committee, of proposing amendments to it. And I will say that when the Naval Committee met for the purpose of proposing amendments which they had prepared to the bill, the first one that came up was the amendment for the appropriation for the improvement of Cape Fear river, and in order that it should have that consideration to which the committee thought it entitled, when the bill came up for consideration in the Senate, I gave way, as chairman of the Naval Committee, to allow the Senator from Georgia, [Mr. CHARLTON]—the honorable Senator from North Carolina [Mr. BADGER] being in the chair—to make a motion to consider this amendment first, so that if there was any contest with regard to it, there might be a full and fair opportunity of discussing it, in order to show the necessity of the appropriation.

Further than that: the amendment passed this body, as is known, without any serious opposition; and when the Committee of Conference was raised, the Senator from North Carolina came to me, and I believe to the Senator from Georgia [Mr. DAWSON] also, who was a member of the Committee of Conference, and urged, with all the earnestness and power he possessed, the necessity of this appropriation, and he brought reasons to bear on my mind which were imperative, for insisting upon it. It is well known that I voted against the river and harbor bill on account of its partial operation. I looked upon this as an improvement that was necessary, because the obstruction was created by the Government itself. Not only did I advocate it in the Committee of Conference, as I stated to the Senator that I would, but the committee broke up on this especial item, and the one connected with the naval depôt at New Orleans. And when a second Committee of Conference was called, of which I was a member, that committee on three different occasions were prepared to separate, because the Senators from Georgia and Louisiana refused peremptorily to give up this appropriation at the earnest suggestion of the Senator from North Carolina. There never was a greater injustice done to any man than that of saying that he has not exerted himself, from the beginning to the end, in order to get the appropriation. He may not have spoken in the Senate on this subject, it is true, but he did speak to that portion of this body to whom the power of bringing the measure forward was intrusted—the Committee on Naval Affairs.

Mr. BADGER. I was in the chair.

Mr. GWIN. I will say further, that when the first committee broke up, and we came back and reported that we could not agree, it is well known that the Senator from North Carolina moved that we should adhere to our amendments; and he withdrew that motion at my solicitation, in order that we might agree with the House on all the amendments which we were willing to give up. And then he intended to move to adhere, and make it imperative upon the House of Representatives to reject the bill, or agree to this amendment. But, at the earnest solicitation of the chairman of the Committee on Finance, and other members of the Senate, I retained the floor, and made the motion to insist, and agree to another committee of conference. The Senator from North Carolina voted against that motion, because he wanted to adhere, and make it imperative upon the House of Representatives to lose the bill, or else give this appropriation among others which they had refused. I have always said, and always will say, that although the Senator from North Carolina does not make much noise about his State here in the Senate, yet, whenever the interests of his State are before a committee, he attends to them with as much zeal and fidelity as any member of the body attends to the interests of his constituents. I have never known him to be wanting on any proper occasion.

Mr. HAMLIN. I think it but just that I should bear testimony to what has fallen from the Senator from North Carolina, so far as the action of the Committee on Commerce is concerned, and so far as his application in relation to the subject before the committee is concerned. An actual report was made to the Senate, embracing estimates for all appropriations for harbors, rivers, and lakes; and in that communication were estimates for the two places he has named: Cape Fear river and the Savannah river. So earnest was the Senator from North Carolina to have these subjects separate and distinct from all others, that he came personally before the Committee on Commerce and solicited its separate action. In the judgment of the committee, there was no difference between these cases and others contained in the general estimates, except in degree; and if there was a more urgent necessity for these cases, there was still an urgent necessity for other cases; and while I, as chairman of the committee, was in favor of separate reports in the case, the committee overruled me, and were unwilling to separate it from a general bill. I think the Senator from North Carolina has erred in one particular, and I think the Senate has a right to complain, but not his constituents; and that was, taking the matter from the appropriate committee to which it belonged and carrying it to a committee which had not the subject before them, and getting an appropriation here somewhat by indirection. I do not find fault with him. I did not know that the recommendation of the Committee on Naval Affairs had been made until it was adopted. The Senator from North Carolina knows very well that I opposed a similar appropriation when offered by the Senator from New York; and he also knows very well that I would have opposed his proposition if I had been in my place when it was offered. But inasmuch as it was adopted by the Senate at the earnest solicitation of the Senator from North Carolina, I withdrew the motion to reconsider it.

Mr. BORLAND. I hope I will be permitted to say one word in connection with this subject. As is well known, I have as little political sympathy with the Senator from North Carolina as any other member of this body. I am proud to say, however, that personally our relations are, and always have been, of the most pleasant character. In regard to this particular matter, it so happens that I can speak to one point of some importance. When the appropriation came before the Senate, or rather when I knew it was coming before the Senate, I expressed an opposition to it; not that I objected to the removal of the obstructions, but I objected to it as a separate measure, and insisted that it should take its stand among the appropriations for removing obstructions in other rivers and harbors. The Senator from North Carolina came to me, and made an appeal in behalf of this particular work, and put its character and its necessity in such a light before me, that I yielded to his request; and I must be permitted to say, however it may reflect on me generally as a legislator, that I was as much influenced by my personal relations and kindness for him as any conviction of the importance of the work.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolutions submitted on Monday last by Mr. CLAYTON.

Mr. CLAYTON concluded the remarks which he commenced yesterday. His speech is as follows:

Mr. CLAYTON. In rising for the first time, after a long absence, to address the Senate, I labor under some embarrassment, from observing that the gentlemen around me are generally strangers to me, and that not a single individual of all my ancient associates who served with me in this body twenty-four years ago is now present. I am irresistibly led back to the events of a period over which nearly a quarter of a century has spread its mantle, when those who filled this Chamber as the representatives of the sovereign States of this Union mingled in discussion on the great issues then before the country, and when the walls of this Chamber daily rung with the echoes of their voices, as they poured forth "the logic and the wisdom and the wit" for which they were so pre-eminently distinguished. Their debates were but justly compared to the procession of a Roman triumph moving in dignity and order to the lofty music of its march, and glittering all over with the spoils of the civilized world. They are gone; and I, the youngest and humblest of their body, am left to tell the tale. The last of them who left this scene of their strifes and contentions, was the present Vice President of the United States, the Hon. William R. King, who presided over the deliberations of the Senate nearly twenty years with unsurpassed ability and impartiality, and who, during a long period, occupied the post of chief distinction here as the chairman of the Committee on Foreign Relations.

"Statesman, yet friend to truth, of soul sincere,
In action faithful, and in honor clear!"

I confess, also, a feeling of embarrassment from another source. I am called upon to vindicate myself against charges of the grossest character preferred against me here during my absence. It is the first time in the course of a long life that I have found it necessary to defend myself against degrading imputations before any public tribunal. The calumnies which have been uttered here, were all made in connection with the treaty of the 19th of April, 1850; and I intend, if health and strength permit, to vindicate the course which I adopted while acting as Secretary of State under the administration of the lamented Taylor, in regard to the negotiation of that treaty. It is a duty incumbent on me to speak; not, however, merely for my own vindication, but to enable others now in the administration of the Government to understand a subject upon which truth has been more perverted, and falsehood more industriously propagated, than on any other topic of the day. In discharging this duty, I shall endeavor to speak of others with all possible respect, consistently with what I owe to truth, to the country, and to myself. All who recollect my course of conduct while I occupied a seat in this Chamber, will bear me witness that I never assailed any man personally in debate—never was engaged in any controversy, personal in its character, with any one unless it was previously provoked by him. *Odi accipitrem.* But now let it be well understood by all here, that for every word I utter in debate, I hold myself personally responsible everywhere, as a gentleman and a man of honor. I have very great contempt for that class of puppies whose courage is evinced by their silence when they are hung up by the ear. When attacked, I will defend myself without the slightest regard to consequences; and in doing that, as I am liable to the infirmities of other men, I will carry the war into Africa whenever I think the assailant worthy of my notice. On this occasion much of what I intended to say must be omitted, in consequence of the absence of the distinguished Senator from Michigan, [Mr. CASS,] who introduced the discussion in this Chamber of Thursday, the 6th of January last. I regret his absence, and the cause of it. I cannot say those things which I had intended to say to him if he were here, for I do not much approve of the modern plan of attacking absent men, who can have no opportunity of defending themselves on the spot. However, in speaking of the subjects referred to in that debate, in which that Senator was my principal accuser during my absence, I must necessarily speak of him, because my own defense, for which I have demanded liberty of speech at the first moment after the Senate could possibly hear me, would otherwise be unintelligible. And I will say further, that I am willing to remain here till harvest if necessary, in order that all others who may choose to reply to anything I shall say, may have full and ample opportunity of doing so.

At the time to which I have referred, the 6th of January last, the Senator from Michigan rose in

his place, and demanded an opportunity to make a personal explanation. In the course of that explanation he distinctly charged me, as all the reports of his remarks which appeared in the public prints on that and the succeeding day will show, with having recognized the British title in Honduras, commonly called the Balize. My letter to Mr. Bulwer, on the 4th of July, 1850, completely disproves this accusation, and shows that I carefully avoided the very thing of which he accused me. Another version of his speech afterwards appeared, charging me with having admitted by my letter that Central America was not Central America at all, and that the treaty did not apply to any territory where Great Britain had any sort of claim. This also is disproved by the letter. Both these statements did me gross injustice, and they went on the wings of the lightning to all parts of the country before I could possibly refute them. It is said falsehood will travel a league before truth can put on his boots, and so I found it.

But, sir, there was a much more grave and serious accusation than that. If I understand it at all, it was a charge that I had inserted in the letter to Sir Henry L. Bulwer a direct falsehood; that I had stated that Mr. King, the chairman of the Committee on Foreign Relations, the chosen organ of the Senate to communicate with me—as much the organ of this body as I was the organ of the President to communicate to the Senate through him—had informed me that the Senate perfectly understood at the time they voted upon the treaty of the 19th of April, 1850, that British Honduras was not included in that treaty. The Senator from Michigan declared in the presence of the American Senate, that he had that very morning himself waited on Mr. King, and had received from Mr. King's own lips the positive denial of the assertion. Now, Mr. President, I can understand this: a man of hasty impulses might make a great mistake even in reference to a subject of that character, and might misunderstand Mr. King.

But on the Saturday succeeding that debate there appeared in the public papers of this city, under my own hand, a vindication of myself against the charge, and Mr. King's own letter, dated at the very time I was writing the letter to Sir Henry L. Bulwer, informing me, in the very words used by me in the letter to Sir Henry, "that the Senate perfectly understood that British Honduras was not included in the treaty." I have the original letter now before me. The Senator from Michigan surely saw that letter in the newspaper, or he heard it here in debate; for some of my friends, to whom I owe great acknowledgments for their defense of me on the occasion, brought that letter to the notice of the Senator; and it appears from the card of Mr. Bragg, a gentleman of the other House and a friend of Mr. King, published on the Tuesday succeeding, in the public papers of the city, that the honorable Senator from Michigan must himself have seen Mr. King after the morning on which he made his accusation against me, and received from Mr. King's own lips a denial of the statement which the Senator made on this floor. And, sir, what follows that? The Senator came into the Senate on the Monday following, and, as Mr. Bragg tates in his letter, reiterated the accusation against me. It does not appear upon the debates that he did so; but this did appear: that he was entirely silent in regard to the whole matter of his charge. In referring to the letter of Mr. King, he only said that he had nothing to do with it. This left Mr. King in an unpleasant position as well as myself; and the Senator never did me the justice on any occasion to retract the statement which he had made here on the 6th day of January. Of that I feel that I have great cause to complain. There was nothing in the personal relations of the Senator from Michigan with myself to warrant me in the expectation that he would make such an assault upon me. So far as I understood those relations we had been very friendly. He had been kind to one who was dear to me, and I thought I had repaid the obligation by being as kind to one who stood in the same relation to him. In all the intercourse which I had with him there was no evidence whatever of personal hostility, and I should as soon have suspected any other man of doing me injustice as the Senator from Michigan. It is for that reason that I regret he is not here to-day, that we cannot come to an understanding in relation to these matters.

The correspondence of Mr. King, and his whole conduct towards me while I was acting as Secretary of State, were worthy of my highest respect. He was frank, open, and manly, in all his communications with me on all occasions: He was ever true to his word. I consulted him as one of the fathers of the Senate, and as one of the chief constitutional advisers of the Presidents in reference to the treaty, as it progressed from time to time. We both agreed that we never could, and never would recognize any title to the eminent domain, as existing in Great Britain, in what was called British Honduras or Balize. We concurred exactly with the report of the honorable chairman of the Committee on Foreign Relations, that all the title that Great Britain had in the territory called Balize, was the right of occupancy in the territory pointed out in the treaty of 1786 between Great Britain and Spain.

Sir, there were other extraordinary statements made on that occasion. It was stated by some one in debate that General Taylor's executive message to the Senate, communicating the treaty of the 19th of April, 1850, had described the country within which the British were not to occupy, fortify, colonize, or assume or exercise any dominion, as extending from the southern part of Mexico to the interior of New Granada. The President had stated in that executive message, that the treaty provided for the protection of all the routes between the points which I have just named; but the country from which the British were excluded by the treaty, was the country described in the first article. The eighth article speaks of protection to be given to the Tehuantepec route and the Panama route; and a sad blunder was made by somebody in quoting that passage to show that British Honduras was included in that treaty. It is unnecessary for me to expose what is at once made palpable to every one who will look at the eighth section of the treaty.

Again: it was insinuated in debate, if I understood it, that the President and Cabinet had not been informed of my proceedings at the time of the exchange of the ratifications. On what authority such an insinuation may have been made, it is impossible for me to conjecture, for I think at this very moment one of the Cabinet of President Taylor is within hearing of my voice, and will bear testimony with me, as every other member would, that the whole subject was referred to the President, and perfectly understood by every Cabinet minister, as well as by the President himself. It is only necessary to mention these things, and I have done with them. It is painful to allude to accusations built upon such miserable statements as this.

At the instance of the Senator from Michigan, a resolution was adopted by the Senate on the 27th of January last, referring my correspondence with Sir H. L. Bulwer, at the time of exchanging ratifications, to the Committee on Foreign Relations, with instructions to that committee to inquire what measures were necessary on the part of the Senate to be taken on account of it. On the 11th of February, the committee reported a resolution that Mr. Bulwer's declaration and my reply to it "import nothing more than an admis-'sion on the part of the two Governments, or 'their functionaries, at the time of exchanging 'ratifications, that nothing contained in the treaty 'was to be considered as affecting the title or ex-'isting rights of Great Britain to the English set-'tlements in Honduras Bay, and consequently, 'that no measures are necessary on the part of the 'Senate to be taken because of Sir Henry's dec-'laration and my reply."

To this part of the report, which acquitted me of the imputations cast upon me, I of course do not object. The committee have negatived all the statements of those who declared that the Senate did not understand the treaty as I had explained it to Mr. Bulwer, or have deemed them unworthy of their notice. My triumph over these accusations is completed by the report of the very tribunal selected by my accusers in my absence to try me. But there is one part of the committee's report, which, although it is not necessary for my justification to refute it, yet is indispensable as an excuse for those who assailed me. My attitude is, therefore, in this respect, no longer merely defensive. I deny the statements of the committee so far as they go to excuse those who assailed me, and I become the accuser in my turn. The statement of the committee to which I mean to except is, that "the boundaries allotted to the British 'settlements on the Balize by the treaties of 1783 'and 1786, lie altogether within the territory of 'the Republic of Guatemala." I mean to maintain that this opinion or statement of the committee, whether considered politically, geographically, or historically, is utterly and absolutely erroneous; and that the British settlements within the boundaries allotted to them by the treaties of 1783 and 1786 are and ever have been, from the earliest history of that country, within that intendency of Mexico called Yucatan, or Merida, and never formed a portion, and do not at this day form a portion, either of the State of Guatemala, or of the ancient viceroyalty of Guatemala, or of that country which is known among statesmen by the name of Central America.

The term Central America has been used among some blundering geographers and careless travelers as applicable to many different parts of this hemisphere. I can supply the committee with several such books as "Johnson's Gazetteer," which was quoted in debate, and which describes it as containing a large portion of Mexico and the whole Republic of New Granada. Such was the character of the authority relied upon in debate here by some Senators, to prove that they understood, when they voted on the treaty of the 19th of April, 1850, that British Honduras was included in that treaty. Of course, then, they understood that the treaty covered not only a large portion of *Mexico*, but the whole Republic of New Granada! Now, among statesmen and legislators, the boundaries of a country designated by a particular phrase are those which their own Governments have recognized under that designation. We made a treaty, on the 5th of December, 1825, with Central America, or "Centro-America," and we have repeatedly accredited ministers, for whose missions Congress has made appropriations from time to time, to the Government of Central America. At the same time we have sent other men as ministers to New Granada as a separate Government—to Mexico as another Government—special agents to Yucatan, and consuls to British Honduras. The writers of gazetteers and careless travelers may classify countries according to fancy, and nobody is hurt by it if they happen to extend the name of Central America to the whole isthmus between North and South America, or even to the arctic circle; but a statesman is expected to speak, when writing a treaty, in the language and according to the meaning of the terms employed by his own Government in former treaties and laws. Our treaty with "Centro-America," or Central America, of December 5th, 1825, was a treaty with the confederated States of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica; and the constitution of the Republic of Central America, adopted on the 22d of November, 1824, and officially communicated to our Government before we made the treaty with that Republic, described its territories as embracing only the ancient viceroyalty of Guatemala, with the exception of the province of Chiapas. Whatever was excluded by Central America from her own limits, could not be embraced in any treaty with that Government, or any treaty respecting its territories with any other Government. So far, the committee and I agree. They have repudiated the preposterous and silly conclusions arrived at by certain gentlemen in the debate of the 6th of January. These are errors of which a schoolboy ought to be ashamed, and I content myself with referring to the facility with which the committee have rejected the geography of such learned Thebans, and adopted the conclusion that the treaty of 1850 includes nothing more than the Central America embraced in her own constitution. But the report of the committee shall not cover the ignorance of others, who asserted with so much confidence here that British Honduras was included in the treaty. I shall proceed to prove, beyond the power of successful denial, that the settlements at Balize, within the limits of the treaty of 1786, could not *by possibility* be included in the territory of Central America; and I now throw down the gauntlet, not only to all these wise men

who thought me so silly for admitting that these settlements were not within the treaty, but even to this Committee on Foreign Relations, and invite them to defend this part of their report if they can.

I shall prove them to have been guilty of a gross error, first, by the authorities which they themselves have relied upon, and then by every authority, whether political, geographical, or historical, which is worthy of respect.

And first, as to the authorities relied upon by the committee. The report states that the Rio Hondo, the northern limit of the Balize settlement, is claimed by Guatemala to be wholly within its territory. Even if this were true, it would prove nothing; for no impartial judge ever admits a party on his own mere assertion to be the owner of any property out of his possession, and in the possession of another who claims it, as is the case here. But it is not true that Guatemala claims or ever has claimed the territory marked out for the Balize by the treaty of 1786. To sustain their assertion, the committee first quote Captain Bonnycastle's description of the boundaries of Vera Paz, which literally proves nothing at all; then they refer to the map which accompanies the work, and say that "on that, which (they admit) is upon too 'small a scale distinctly to mark the boundaries, 'the river 'Wallys' or Balize *would appear* marked 'in the province of Vera Paz." For the boundaries extracted from Captain Bonnycastle's "Spanish America," we are referred by the committee to vol. 1, page 165. Any man who will look at them will see that they are perfectly consistent with what that author had said before, which completely oversets the committee, and which I now proceed to quote. First:

"Yucatan is the most easterly province of the kingdom of New Spain, and is in the form of a peninsula jutting out into the Gulf of Mexico from the main land of the isthmus; it is surrounded on the northwest by the waters of the Mexican Gulf; by the Bay or Gulf or Honduras on the southeast; the province of Vera Cruz bounds it on the southwest, and Vera Paz, in Guatemala, on the south. HERE it is connected with the continent of North America by an isthmus of about one hundred and twenty miles in breadth. THE ENGLISH HAVE SETTLEMENTS EXTENDING A SHORT DISTANCE ALONG THE EAST COAST OF YUCATAN, OPPOSITE AMBURGOS KEY."—P. 122.

Then again:

"The eastern coast of Yucatan is not inhabited by Spanish colonists, *the English alone appearing there*, except in the small fort of Bacalar, which has been built to prevent the British from going into the interior."—P. 123.

So we see that the first authority cited by the committee entirely fails them, and proves that the British settlements are in Yucatan.

The next authority relied on by the committee is "an atlas of Guatemala, in eight maps, prepared and engraved in *Guatemala*, by order of the Chief of the State, C. D. Mariano Galves," in 1832, on which the committee say "the northern and west-'ern boundary of Guatemala, although called ''Lindero Indefinido,' (line undefined,) is thrown 'north of the Rio Hondo; which river, both on 'the map of the Republic of Guatemala and on 'that of the department of Vera Paz, contained in 'the atlas, is altogether within the limits of Vera 'Paz." Now, the first observation which I have to make in regard to this authority is, that a map engraved by order of the President of the United States, including the Canadas within our own limits, would not be regarded by any sensible man in a foreign nation as much proof to show that we were entitled to the Canadas; and the next remark I have to make is, that no northern and western boundary of Guatemala is laid down on these maps. *The undefined line* proves nothing, and the pretension that the Rio Hondo was in the department of Vera Paz is too absurb in the eyes of any man acquainted even with the *pretensions* of Guatemala to be credited for a moment. The map itself shows that Balize is not in Guatemala. In the State Department was a map to which this committee ought to have had access, but of which they knew nothing, which proves that the British had obtained the survey of Guatemala, found in her own archives in 1826, that is, six years before the maps relied on were made. It is entitled "Map of Guatemala, reduced from the survey in the archives of that country." It was published January 13, 1826, by Arrowsmith, the royal hydrographer. Great Britain was about to make a treaty with Mexico, and to obtain from Mexico a confirmation of her title to the settlements at Balize, derived from the Spanish treaty of 1786. It was important for Great Britain to ascertain how far Guatemala might have any claim to the Balize territory. Both Guatemala and Mexico had revolted from Spain, and Great Britain had equally recognized and favored them both. It was immaterial to her whether the Balize was situated in Mexico or Guatemala, as either of them would unhesitatingly have recognized the grant made by Spain of the "useful domain" in British Honduras, granted by the treaty with Spain of 1786. She sought to know only which had the right to grant it, and she ascertained beyond all possible doubt from the archives, not only of Mexico, but of Guatemala herself, that the British settlements at the Balize were in Yucatan. Arrowsmith's map, reduced from the survey, in the archives of Guatemala, to which I have referred, shows that Vera Paz is about one hundred and thirty miles south of the Rio Hondo and the Balize river, and that "Peten," and not Vera Paz, is the northern province of Guatemala. Vera Paz is far south of the "Wallys," or Balize, so called from the old English buccaneer *Wallace*, who first harbored in British Honduras. On that map, furnished from the survey of Guatemala herself, the Balize settlement extends at least fifty miles south of the river "Wallys," and no part of Guatemala is nearer than eighty miles south of the mouth of the Rio Hondo. Like every other map made by Guatemala or under her surveys, it has but little pretension to scientific arrangement; but it is represented as conveying a just idea of the then existing state of geography in Guatemala, and of her own claims as exhibited by her own original survey. I will send the map to the chairman of the committee, if he requests it; and as it is said to have been one of the very maps made by order of the British Government to ascertain from what country they should obtain a confirmation of the Spanish title of occupancy granted to the British settlers by the treaty of 1786, it is the very best evidence that Guatemala had no claims whatever to the Balize; for Great Britain could, I repeat, as easily have obtained the grant of the useful domain in the Balize from Guatemala as from Mexico. Having thus ascertained that Guatemala had no claims, she proceeded to negotiate with Mexico; and on the 26th of December afterwards, she made a treaty with Mexico, of which the following is the 14th article:

"ARTICLE XIV. The subjects of his Britannic Majesty shall, on no account or pretext whatsoever, be disturbed or molested in the peaceable possession and exercise of whatever rights, privileges, and immunities they have at any time enjoyed within the limits described and laid down in a convention, signed between his said Majesty and the King of Spain, on the 14th of July, 1786, whether such rights, privileges, and immunities shall be derived from the stipulations of the said convention, or from any other concession which may at any time have been made by the King of Spain, or his predecessors, to British subjects and settlers residing and following their lawful occupations within the limits aforesaid; the two contracting parties reserving, however, for some more fitting opportunity, the further arrangements of this article."

No such treaty was made with Guatemala that we ever heard of. We see by this treaty that Great Britain admitted that the eminent domain which Spain had lost by the revolution had descended upon Mexico. She did not seek to rob Mexico of the sovereignty over the country; she gained nothing by the treaty which Spain had not before granted to her; and as she sought only the grant of the useful domain, or merely the rights of an old settler, there was not a civilized nation on earth that would have refused to concede as much as Mexico did. If she had thought Guatemala had any right to the territory she would have applied to her to make the same grant, and that State could as well have refused to confirm the grant of lands held under her limits for any other private or special purposes as she could have refused to make the same concession which Mexico made. The rights of Great Britain, under the treaty of 1786, to occupy the land and to cut dye-wood and mahogany, to erect mills to saw it, to fish upon the coast, to refit their ships at the adjoining islands and territories embraced in the triangle described in that treaty, and to occupy those islands when the *vomito* would not permit them to remain on the main land, were rights which could not be divested by that very revolution which Great Britain had encouraged without manifest dishonor to the local Government. If Great Britain had sought to seize upon the territory, she could much more easily have forced the concession of it from the little State of Guatemala than from Mexico, a greatly superior Power.

The next authority relied upon by the committee is hearsay evidence, and we are not allowed to know the name of the witness. The report says:

"And the committee are *informed* that on the official map of Yucatan, subscribed by Señor Negra, as commissioner of that province, published in 1848, the southern boundary of that State is established on the parallel of eighteen degrees north latitude."

If this be true, it only proves that the British settlements at the Balize had encroached further upon Yucatan and Mexico than we had supposed. If, however, this fact is adduced to prove that Guatemala extends to the eighteenth degree of north latitude, it proves too much, and it cannot possibly be true, for then Guatemala would include the celebrated Bacalar, and the fort there established as the northern limit of the British settlers. It is not pretended that on this map, which the committee never saw, Yucatan is bounded by Guatemala; and if the man who gave this information will produce the map, I will stake the whole issue between the committee and myself on the fact that the southern boundary of Yucatan will appear by it to be on British Honduras, or Balize.

The next and last authorities relied upon by this committee to prove that British Honduras lies in the State of Guatemala are still more remarkable. This part of the report is so extraordinary in its character that I dare not attempt to state the mere substance of it lest I should do the committee injustice. I will "speak by the book lest equivocation should undo me." It is, literally, as follows:

"In 1834 the State of Guatemala, made a large grant of land to a company, on condition of actual settlement, in the neighborhood of the 'Bay of Honduras,' when the British authorities at Balize interposed and forbid the settlement, claiming that the grant was within their boundaries. This collision led the Government of Central America to make it the occasion of a special commission to England to settle and adjust the respective rights of the Republic of Guatemala and of Great Britain, in reference to the British settlements in this quarter. This fact was communicated to the Government of the United States by M. Alvarez, Secretary for Foreign Affairs of the Central American Confederation, in a dispatch to the Secretary of State, dated December 30, 1834, and the good offices of this Government with the British Court were solicited in the proposed negotiation. In that dispatch the Secretary of State, reminded of the avowed policy of this Government concerning European colonization on the American continents, is referred to the aggressions and encroachments at Balize upon the *territory of Central America*. The mission, it appears, was fruitless.

"The British Government, claiming that Don Juan Galindo, the *Minister*, was a British subject by birth, refused to accredit him as the *Minister* of Central America. In one of the letters of this *Minister*, Don Galindo, whilst in Washington, to the Secretary of State, dated June 3, 1835, he communicates a paper, prepared and published in Guatemala, by Señor Annitia, a member of the Federal Congress of Central America for the State of Guatemala, in which, reciting that '*the English settlements between the Rio Hondo and the Balize are in our territory*,' an able and forcible exposition is made of the injury resulting to Central America by the smuggling openly carried on at the Balize, in defiance of the revenue laws of the Confederation; and a strong remonstrance against the pretensions of the authorities there claiming a right to occupy as they held in 1821, (the date of the revolution,) and *regardless of the treaty limits with Spain*. In the letter of the Minister for Foreign Affairs, before referred to, this encroachment is stated at more than forty-five leagues."

The only thing in all this statement of the committee which can be relied upon as the claim of Guatemala herself, in regard to the extent of her own territories, is the letter of Alvarez, the Secretary of Foreign Affairs of the Government of Central America. The letters of John Galindo, an Irishman, who came here merely as a *bearer of dispatches*, and so states in his letter of the 22d of May, 1835, and whom the British Government refused to receive as a commissioner to remonstrate against the alleged British encroachments on Guatemala, and the paper of Señor Annitia, which is a magniloquent address or speech by a member of Congress of Central America to the people there, (never intended for us,) from which he doubtless expected to derive much petty local popularity, do not bind the Government of Guatemala, are not uttered by her authority, and are worth about as much as the letters of one of our own bearer of dispatches abroad setting forth the claims of our Government, or the speeches of one of our modern advocates of the Monroe doctrine,

when threatening here among us quiet old gentlemen to sweep the British from all the country north of 49°, or to annex all Central America to the United States. We know, from the letter of Mr. Dickens, Acting Secretary of State, of the 10th of June, 1835, to this John Galindo, that the subject of the letter of Alvarez must have been made a Cabinet question; for the Secretary pledged himself in that letter that it should be brought to the consideration of the President. Picture to yourself, then, General Jackson and his Cabinet in session; the Senator from Michigan, then being Secretary of War, occupies the third seat at the cabinet table; John Forsyth produces the letter of Alvarez and reads it. I do not believe he soiled his fingers with the speech of Señor Annitia to his constituents in Central America, or with the letters of John Galindo, whom the committee have dignified with the name of the "*Minister*" *Don Galindo*. When Mr. Forsyth read the passage of the letter of Alvarez, declaring that "it had always been the policy of the United States to prevent and resist European settlements in America, and that the aggressions and encroachments at Balize were a dangerous and alarming violation of this principle," what do you suppose was the appearance and language of General Jackson, who came into power upon the adverse principle, supported by a party which violently denounced the Monroe doctrines, Clay's instructions to Poinsett, and the authors of the Panama mission especially, and all their works? The Senator from Michigan no doubt sustained the Monroe doctrine and the principles of the Panama mission. But how came it about that the "mission" of John Galindo, the speech of Señor Annitia, and *the letter of Secretary Alvarez*, were all treated with perfect contempt, or at least passed over in perfect silence? We know that General Jackson refused to take any notice of the subject, as he did of the application of the Government of San Salvador asking admission into our Union.

But this letter of Alvarez, when carefully examined, conclusively shows that the Central American Government at the time did not pretend that the boundaries of the British settlement, under the treaty of 1786, were within their limits. All they claimed was that "the boundaries should be according to the letter of the convention of 1786." They did not complain of the British settlement within those limits, but they did complain "of an encroachment beyond those limits by more than forty-five leagues." They expressly admitted the limits of Balize, which, they said, were "definitely fixed by the treaty of 1786;" and they admitted the Mexican title or "high domain" over the territory of Balize, by saying that "the original 'treaty limits had been ratified in 1826, by the 'treaty between Great Britain and the Republic of 'Mexico." They sent John Galindo to England to complain, not of the settlement *within* the limits of the treaty, but of the *encroachments beyond them;* and the passage cited by the committee from the letter of Alvarez to prove that the settlement of Balize, within the treaty limits, was upon the territory of Central America, proves directly the reverse, as it shows that *only the aggressions and encroachments at Balize were upon that territory*. As I consider this dispatch of M. Alvarez as conclusively admitting that British Honduras, within the treaty limits, was not in Central America on the 30th of December, 1834, I ask the reading of that letter.

It was then read by the Clerk, as follows:

DEPARTMENT OF FOREIGN AFFAIRS,
ST. SALVADOR, *December* 30, 1834.

SIR: A short time since the authorities of the State of Guatemala granted, for purposes of settlement, sundry lands situated in the neighborhood of the Bay of Honduras to a company, whose object was to form a national establishment upon them. As soon, however, as the authorities of Balize were informed of this grant, they declared that the lands in question were within their jurisdiction, were their property; and they positively refused to give the contractors possession of a right which now justly belongs to them.

This extravagant pretension is plainly contrary to the convention of 1786, based upon that of 1783, between their Britannic and Catholic Majesties, *which definitively fixed the confines of Balize, within which the inhabitants were to keep themselves;* which convention, having been ratified by the respective courts in 1814, and subsequently in 1826, by the treaty between Great Britain and the *Republic of Mexico*, it seems clear, without entering into questions of another description, that the boundaries should be according to the letter of that convention.

The inhabitants of Balize, *who have exceeded the established limits by more than forty-five leagues*, found their pretensions upon the circumstance of their having occupied the lands in controversy prior to the independence of Central America. But such a violation of existing treaties, persisted in despite the earnest and repeated remonstrances of the Spanish authorities, cannot give those of Balize a lawful right to consider that as their own which they have in fact usurped.

An affair of such magnitude has *constrained the Government of Central America to accredit Colonel John Galindo to the British Cabinet;* and the Vice President of this Republic does not doubt that, through your honorable conduct, the President of the United States may make the most pointed intimations to the court of his Majesty upon the subject, and that he will take a lively interest to the end that the rights of a nation, who is a sister and a friend of that of the North, may not be violated.

The mediation of the President will doubtless give greater weight to the representations which our Commissioner may make to the British Government; and this Republic would deem such a measure a most decided proof of friendship and of a concern for her rights. Suffer me, upon this occasion, to remind you that it has always been an object of the policy of the United States that there should be no European settlements upon the American continent, and that the aggressions and encroachments at Balize upon the territory of Central America are a dangerous and an alarming violation of this principle. It belongs to your great and happy Republic to place herself in the vanguard of a policy so interesting to the new American States, and to uphold with her name our rights in the presence of England.

Meanwhile I have the honor to tender to your Excellency the most distinguished sentiments of the consideration with which I am your Excellency's very devoted and obedient servant, M. ALVAREZ.

The SECRETARY OF STATE,
of the Department of Foreign Affairs of the Government of the Republic of North America.

I will only add that even the letter of John Galindo admits that the British are entitled to occupy the town of Balize, though I do not consider his letter as compromitting any interest, for he disregarded all historical truth, and did not represent Central America or anything else. A letter of Mr. Murphy to the Secretary of State proves that he was an impostor, and was never accredited to England as a commissioner from Central America, but only from the little State of Guatemala.

I have now examined every authority cited by the committee, and by each of them I have proved that the report of the committee is erroneous. All these authorities prove the Balize to be in Yucatan, and nearly all contain the admissions of Guatemala herself, that the conclusion of the committee is utterly destitute of foundation.

Notwithstanding the committee state in one part of their report that "from the *information before them*, they entertain a decided opinion that the British settlements at Balize, as defined by the treaties with Spain, lie within the territory of the Republic of Guatemala, and so equally constitute a part of Central America," yet they evidently doubt whether "the information before them" was sufficient to establish that fact; for in the very next paragraph they add, that "in the event of its being ascertained hereafter that these British settlements on Honduras Bay lie in whole or in part north and west of the proper boundaries of Guatemala, though they would not, in such case, form any part of Central America, and thus are not within the strict engagements of the treaty, yet that any colonies or other permanent establishments there by Great Britain or any other European Power, must necessarily excite the most anxious concern of this Government, and would, if persisted in, lead to consequences of most unpleasant character."

As the committee thus avow themselves doubtful of the "decided opinion" they expressed, I will proceed to strengthen their doubts, and to refute their opinion, by giving them the information which was not before them. *Their report* says that "by some of the European geographers, [not Spanish,] these British settlements are spoken of as in Yucatan." The first authority to which I shall refer them, as they have denied that *Spanish* geographers have so spoken, is the "*Dictionario Geographico*" of Don Antonio de Alcedo, published at Madrid, in 1786. I quote from the English edition, translated by Thompson, in five volumes quarto, London, 1812:

"BALIS, RIO DE, a river *in the province and Government of Yucatan*, which runs into the sea upon the same coast near the strand of Bacalar, and into the bay which is formed by that strand and *Long Island*."—*Vol.* 1, *p.* 129.

After mentioning the thirteen provinces of Guatemala, Alcedo expressly mentions Yucatan among the provinces of "Nueva-Espanś," [Mexico.]—*Vol.* 2, *p.* 64, and *vol.* 3, *p.* 106. The authority is the more conclusive, as the writer, who was a Spaniard, published his work at Madrid in 1786, the date of the convention which fixed the limits of the Balize settlement. In volume 2, page 207, Alcedo says: "The kingdom of 'Guatemala' is bounded on the northeast *by the province of Yucatan.*"

The next authority to which I refer is Humboldt's "Political Essay on the Kingdom of New Spain, containing researches relative to the Geography of Mexico," translated from the original French by John Black, published in New York in 1811. This work of Humboldt "underwent the examination of the Spanish Government before it was published in Paris in 1810." In vol. 1, p. 203, the intendency of Merida, or Yucatan, is included among the twelve intendencies of Mexico; and in vol. 2, p. 159, the author says: "The intendency of 'Merida comprehends the great peninsula of Yu-'catan, situated between the bays of Campeachy 'and Honduras." Observe, it comprehends the whole of the "peninsula," not merely a part of it. Again: Humboldt says on the same page:

"The province of Merida is bounded on the south by the kingdom of Guatemala, on the east by the intendency of Vera Cruz, *on the west by the English establishments which extend from the mouth of the Rio Hondo* to the north of the Bay of Hanover, opposite the island of Ubero, [Ambergris Key.] In this quarter, Salamanca, or the small fort of *San Felipe de Bacalar, is the most southern point inhabited by the Spaniards.*"

Again, the author says, on page 160:

"Since the settlement of the English between Omo [*Omoa*] and the Rio Hondo, the Government, to diminish the contraband trade, concentrated the Spanish and Indian population in the part of the peninsula west from the mountains of Yucatan. Colonists are not permitted to settle on the western [error, for *eastern*] coast, on the branches of the Rio Bacalar and Rio Hondo. All this vast country remains uninhabited, with the exception of the military *post* [*presidio*] of Salamanca."

And on the map of Humboldt the British settlements are included in the peninsula of Yucatan.

The next work to which I refer is that of the celebrated French geographer, (the greatest of the age,) Malte-Brun, printed at Paris in 1847, p. 725, from which I make the following extract:

"COLONIE ANGLAISE.—Sur le territoire de l'ancien état Mexicain d'Yucatan, les Anglais possèdent à l'embouchure de la Balize, rivière qui se jette dans la baie de Honduras, une colonie composée de 4,000 habitans. Elle porte le nom de colonie de Honduras. Son chef lieu est Balize, petite ville avec un port situé à l'endroit où la rivière de ce nom se jette dans le mer."

Having thus described the British settlement as a British colony in the ancient State of Yucatan, in Mexico, at the Balize, a river which empties into the Bay of Honduras, which British colony is called the colony of Honduras, M. Malte-Brun says, p. 740, that the ancient captaincy general of Guatemala, or confederation of Central America, is bounded on the *Gulf of Honduras and the Bay of Mosquitos*. In the 3d volume of the American edition of 1827, p. 301, Malte-Brun speaks of "the peninsula of Yucatan, or the intendency of Merida," and says:

"We have distinguished on our maps, under the name of ENGLISH YUCATAN, that part of the peninsula which lies to the south of the river *Honda*, [Hondo,] and of the Spanish military post of *Salamanca*."

Domingo Juanos, a Spaniard, in his "History of Guatemala," says that "the jurisdiction of the 'Royal Audiencia and Chancery of Guatemala 'extended along the Atlantic *from the coast of Ba-'lize, in the Bay of Honduras*, to the Escudo de 'Veraguay."

In the third volume of the London Encyclopedia, page 419, we find that—

"Balize is a river in the peninsula of Yucatan, South America, which falls into the Bay of Honduras, in latitude 14° 69′ N. On its banks, and to the extent of two hundred miles up the stream, the English cut mahogany, and by the treaty of 1783 a right was guarantied to British subjects of cutting and carrying away logwood in the district between this river and the Rio Hondo. Beyond the scene of their operation the Balize is very imperfectly known."

Again:

"Balize, a sea-port town of *Yucatan*, South America, is an establishment chiefly composed of English settlers at the mouth of the above river."—*Ibid.*

I could fill a volume with British authorities, describing, at various periods during the last hundred years, their settlements in Honduras as being in Mexico or Yucatan. The committee avoided all these; and their report declares that "respect 'for the State of Guatemala requires of this Gov-'ernment to recognize the boundaries *she* has 'prescribed for herself, at least until they are

'successfully controverted by those territorially 'interested." Why did not respect for Great Britain equally require of this Government equally to recognize the boundaries she has prescribed for herself; or at least equally refer to her claims? With her we have an existing treaty of peace, amity, and commerce, and yet no English authorities are referred to for the purpose of showing her pretensions, although so much more easy of access. I shall not dwell upon them; but, having cited the French and Spanish authorities, I shall conclude my review of the report by referring to some of the leading American authorities on the subject.

Darby informs us that "Balize is a river of 'North America, in Yucatan, and on its banks 'the English have their principal settlements for 'cutting mahogany," &c.

The "Encyclopedia Americana" defines Balize as a "sea-port of Mexico, in Yucatan, at the mouth of the river Balize," and says "it is the only settlement belonging to the British on the coast." The character of Francis Leiber, the editor, as a man of science, can be stated by the Senators from South Carolina.

In the "Encyclopedia of Geography," by Hugh Murray, revised by Bradford, published in 1837, page 328, the author, after speaking of Merida and Campeachy, on the western side of the peninsula of Yucatan, says: "On *the other side* of 'the peninsula of Yucatan the British possess the 'settlement of Honduras, extending along the 'shore from the Rio Hondo to the Liburn."

I have no time to cite other geographical works to which I could readily refer, but I may be permitted to quote the instructions given by my immediate predecessor, Mr. Buchanan, who, as I think, was qualified to judge of this question, and who, in his letter to Mr. Hise, of the 3d of June, 1848, describes the country ceded by the treaties of 1783 and 1786, when referring to the British encroachments, as the "present *British province* of the Balize," and as the "established British colony of the Balize," to which he, under the direction of Mr. Polk, appointed a consul, thus directly recognizing the colony as a British colony long before the treaty of the 4th of July, 1850, and still longer before the 11th of February, 1853, when this committee declared that the whole territory was in Central America. If it were so, why did Mr. Polk and Mr. Buchanan seek and obtain the *exequatur* for Mr. Hempstead, our Consul at the Balize, from the British Government, and not from Guatemala? If there had been any foundation for the "decided opinion" of this committee, was NOT the course adopted by Mr. Polk and Mr. Buchanan a direct insult to Guatemala? And why did the members of this committee, who now show no respect for the rights of Great Britain, and refuse even to quote her pretensions to the territory, relying, as they have done, exclusively upon the mere claims of Guatemala, then pass over in silence all that was done by Mr. Polk's administration, acknowledging the domain to be in Great Britain by asking her consent to the consulate at Balize?

I now leave those gentlemen who were so confident that British Honduras was in Central America, on the 6th of January last, and who said they would not have voted for the treaty if they had not believed it was there, to the enjoyment of their own reflections.

My next object is to vindicate the treaty, which received the vote of forty-two Senators against ten. To do this I shall review the history of the principle on which it was negotiated.

The principle which for twenty years has governed all the negotiations of the American Government on the great subject of an interoceanic communication between the Atlantic and Pacific, across the isthmus which divides North from South America, was suggested by a unanimous vote of Senate, in Executive session, on the third day of March, 1835. The resolution then adopted by the Senate is in the following words:

"*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

This resolution was at the time debated by Daniel Webster, John Forsyth, and myself. It had long been a cherished object with me to procure some communication across the isthmus which would bring this country nearer to the territories on the Pacific, and draw the treasures of that mighty ocean, with its ten thousand fertile and productive islands, into the ports of the United States. I thought then, and still think, that the opening of such a passage was of paramount importance not only to my own country but to all others; and that even if, in completing such a work, fifty or a hundred millions of dollars (ay, one half the money vainly expended in attempting to discover a northwest passage) should be expended, it would be a cheaper outlay, and render more benefits and blessings to the world, than an equal expenditure in any other enterprise that had ever been or could be undertaken by man. I introduced the resolution just eighteen years ago last Friday, and on the next day Congress adjourned, and John Forsyth entered upon the duties of Secretary of State, under the administration of President Jackson. The suggestion contained in the resolution met with a warm and hearty approval from the President; and on the first day of May, 1835, Charles Biddle was charged with the duty of making inquiries, with a view to enable the Executive to comply with it. Mr. Forsyth's instructions to Mr. Biddle direct him to proceed by the most direct route to Lake Nicaragua, to explore the contemplated communication by canal or railroad in that quarter, for which purpose every facility was granted to Mr. Biddle. He was afterwards directed to proceed to examine the Panama route, and such other points on the Atlantic side of the isthmus as would probably be fixed on for the termination of a road. I was anxious at the time that William Radcliff, the former consul at Chagres, who had devoted much of his life to the examination of the subject, should receive the appointment. But, unfortunately, he was no politician. Mr. Biddle disobeyed his instructions—never visited Nicaragua; and after having procured from the Government of New Granada *an exclusive grant* of the right of way across the isthmus of Panama, vesting in citizens of the United States the monopoly of the route, in direct opposition to the resolution of the Senate, he returned home, and then, for the first time, coolly informed Mr. Forsyth that it "appeared to him unnecessary at present to enter into any negotiations with foreign nations upon the subject."

His idea of an exclusive grant to our citizens of the right of way was in accordance with the opinion of Mr. Hise, subsequently appointed by Mr. Polk. Both negotiated for a monopoly of the passage in our own citizens. But there was this difference between them: that the grant negotiated by Mr. Biddle provided that two thirds of the stock created by it should be "the property of '*Charles Biddle* and such citizens of the United 'States as *he* might associate with him, the office 'of the company to be in Philadelphia, and all 'installments to be paid there, and the number of 'directors to be in the same proportion as the 'quantity of stock." President Jackson was highly displeased with the result; and Mr. Forsyth, on the 23d of September, 1836, immediately after ascertaining the facts, in a dispatch to Robert B. McAfee, our Chargé d'Affaires at Bogota, disavowed and censured the whole proceeding, and directed him "to disclaim all connection with the 'project on the part of this Government, to pre-'vent any misunderstanding with the Govern-'ment of New Granada." The whole object of the Senate and the President was thus frustrated by the incompetency of the agent. President Jackson shortly after went out of office. But the subject was not permitted to sleep. The records of the State Department show that during every succeeding Administration that Department has been engaged in the consideration of this subject, and especially in the acquisition of information necessary to enable it to act with effect. In the admirable dispatch of Mr. Wheaton, of the 17th December, 1845, it is observed that, "in the letter 'of instructions given in 1826 by Mr. Clay, then 'Secretary of State, to our plenipotentiaries ap-'pointed to attend the Congress of Panama, ref-'erence is had to a correspondence on this subject 'between him and the Minister of Central Amer-'ica; and it was stated that if the work [a canal] 'should ever be executed so as to admit of the 'passage of sea vessels, the benefits of it *ought* '*not to be exclusively appropriated to any one nation*, '*but should be extended to all parts of the globe*, upon 'the payment of a just compensation or reason-'able tolls."

By recurring to the instructions given to our Minister to Panama by Mr. Clay in 1826, it will be seen that President Adams fully approved the principle subsequently adopted by the American Government, so far at least as to negative the idea that it was either the interest or the duty of the American people to obtain a monopoly of the right of way. Mr. Wheaton correctly observes that after the failure of Mr. Biddle's grant, and a subsequent similar grant of exclusive privileges to Baron Thierry, the subject was again taken up in 1839 in the House of Representatives of the United States, on the memorial of the merchants of New York and Philadelphia, on which a very elaborate report was made by Mr. Mercer, from the Committee on Roads and Canals, accompanied with documents and maps illustrative of this important subject. The report concluded with proposing a resolution that the President should be requested "to consider the expediency of opening 'or continuing negotiations with the Governments 'of other nations, and particularly with those the 'territorial jurisdiction of which comprehends the 'Isthmus of Panama, and to which the United 'States have accredited ministers or agents, for 'the purpose of ascertaining the practicability of 'effecting a communication between the Atlantic 'and Pacific oceans, by the construction of a ship 'canal across the isthmus, and of securing forever, 'by suitable treaty stipulations, the free and equal 'right of navigating such canal to all nations." This resolution was unanimously agreed to by the House. It will be seen that it is almost a literal copy of the Senate's resolution of the 3d of March, 1835.

It thus appears that the House of Representatives adopted the identical principle established by the President and Senate four years previously. Mr. Adams and Mr. Clay had merely proposed that the benefits of the communication between the two oceans should not be exclusively appropriated to one nation, and should be extended to all parts of the globe on the same terms. But during the administration of President Jackson, we see that our Government extended the principle to the length embraced in the resolution of the Senate; and during the administration of President Van Buren, the House of Representatives adopted the same principle by a resolution in nearly the same words. In 1847, President Polk carried the principle into practical execution by the treaty which was negotiated with the Government of New Granada. In his executive message to the Senate of the 10th of February, 1847, communicating the treaty with New Granada in regard to a canal or railroad across the Isthmus of Panama, he quotes at full length the resolution of the Senate of the 3d of March, 1835; approves of the policy adopted by President Jackson and the Senate at that period; denies the policy of obtaining an exclusive grant or monopoly of the right of way to the American people; and vindicates the principle of opening the communication to all nations on the same terms, and of constituting alliances by negotiation, not for political objects, but for purely commercial purposes, equally interesting to all the navigating nations of the world. I ask the Secretary to read the message:

"*To the Senate of the United States:*

"I transmit to the Senate, for their advice with regard to its ratification, 'a general treaty of peace, amity, navigation, and commerce, between the United States of America and the Republic of New Granada,' concluded at Bogota on the 12th of December last, by Benjamin A. Bidlack, Chargé d'Affaires of the United States, on their part, and by Manuel Maria Mallarino, Secretary of State and Foreign Relations, on the part of that Republic.

"It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guaranty to the Government and citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads, and over any canal or railroad which may be constructed to

unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory, and her sovereignty over the same.

"The reasons which caused the insertion of this important stipulation in the treaty will be fully made known to the Senate by the accompanying documents. From these it will appear that our chargé d'affaires acted, in this particular, upon his own responsibility, and without instructions. Under such circumstances, it became my duty to decide whether I would submit the treaty to the Senate; and, after mature consideration, I have determined to adopt this course.

"The importance of the concession to the commercial and political interests of the United States cannot easily be overrated. The route by the Isthmus of Panama is the shortest between the two oceans; and, from the information herewith communicated, it would seem to be the most practicable for a railroad or canal.

"The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than nine thousand miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

"The communication across the isthmus has attracted the attention of the Government of the United States ever since the independence of the South American Republics. On the 3d of March, 1835, a resolution passed the Senate in the following words:

"'*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship-canal across the isthmus which connects North and South America; and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established, to compensate the capitalists who may engage in such undertaking and complete the work.'

"No person can be more deeply sensible than myself of the danger of entangling alliances with any foreign nation. That we should avoid such alliances has become a maxim of our policy, consecrated by the most venerated names which adorn our history, and sanctioned by the unanimous voice of the American people. Our own experience has taught us the wisdom of this maxim in the only instance—that of the guarantee to France of her American possessions—in which we have ever entered into such an alliance. If, therefore, the very peculiar circumstances of the present case do not greatly impair, if not altogether destroy, the force of this objection, then we ought not to enter into the stipulation, whatever may be its advantages. The general considerations which have induced me to transmit the treaty to the Senate, for their advice, may be summed up in the following particulars:

"1. The treaty does not propose to guaranty a territory to a foreign nation in which the United States will have no common interest with that nation. On the contrary, we are more deeply and directly interested in the subject of this guarantee than New Granada herself, or any other country.

"2. The guarantee does not extend to the territories of New Granada generally, but is confined to the single province of the Isthmus of Panama, where we shall acquire by the treaty a common and coextensive right of passage with herself.

"3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.

"4. In entering into the mutual guarantees proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution, to which I have already referred, is to secure to all nations the free and equal right of passage over the isthmus. If the United States, as the chief of the American nations, should first become a party to this guarantee, it cannot be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guarantees will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer, cannot well be doubted; because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guarantee of great commercial Powers that the isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans cannot be suffered to depend upon the wars and revolutions which may arise among different nations.

"Besides, such a guarantee is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign States nor individuals would expend their capital in the construction of the expensive works, without some such security for their investments.

"The guarantee of the sovereignty of New Granada over the isthmus is a natural consequence of the guarantee of its neutrality, and there does not seem to be any other practicable mode of securing the neutrality of this territory. New Granada would not consent to yield up this province in order that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty. But a civil Government must exist there, in order to protect the works which shall be constructed. New Granada is a Power which will not excite the jealousy of any nation. If Great Britain, France, or the United States held the sovereignty over the isthmus, other nations might apprehend that, in case of war, the Government would close up the passage against the enemy: but no such fears can ever be entertained in regard to New Granada."

The vote on the treaty was as follows:

"YEAS—Messrs. Atchison, Atherton, Badger, Bagby, Benton, Berrien, Borland, Bradbury, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Downs, Foote, Hannegan, Houston, Hunter, Lewis, Moore, Niles, Rusk, Sebastian, Spruance, Turney, Underwood, Westcott, and Yulee—29.

"NAYS—Messrs. Baldwin, Clarke, Davis of Massachusetts, Dayton, Hale, Miller, and Upham—7."

It thus appears that every Democratic Senator of that day voted for the treaty. The Senator from Illinois, it would seem, is not of that school.

When I went into the office of Secretary of State under President Taylor, I found that a company of British capitalists contemplated the formation of a ship canal by the way of the river San Juan and Lake Nicaragua, and that they had employed Mr. Wheelright, an English gentleman, to make the necessary arrangements and obtain the requisite grant for that purpose from the Government of Nicaragua. At the same time a company of American capitalists, the chief of whom was Mr. Vanderbilt, of New York, was engaged in the prosecution of the same purpose, and had employed an agent to procure a grant from Nicaragua in their behalf. Supposing that Great Britain would throw her influence in favor of the English adventurers, the American capitalists naturally sought the aid of their own Government. The President appointed E. George Squier chargé d'affaires to Central America, in lieu of Elijah Hise, who had been appointed to the same place during the administration of President Polk. His instructions, dated the 1st of May, 1849, fully explain the object of the appointment of Mr. Squier, in aiding the American capitalists to obtain the grant of the right of way, and to carry out the principles of the resolution of the 3d of March, 1835. Those instructions, after denying the validity of the Mosquito title, and asserting that of the State of Nicaragua, arrive at the conclusion that the United States, being interested in a free passage to and from the Pacific ocean by the way of the river San Juan and Lake Nicaragua, cannot tamely allow that interest to be thwarted by the pretensions set up by Great Britain as the protector of the Mosquito coast. As it is necessary to explain the policy of this Government, and especially that of President Taylor, I trust I shall be pardoned for quoting the following passage from the instructions which I gave to the minister to Central America before he proceeded on his mission:

"Having now sufficiently apprised you of the views of this Department in regard to the title to the Mosquito coast, I desire you distinctly to understand how important it is deemed by the President so to conduct all our negotiations on the subject of the Nicaragua pass as not to involve this country in any entangling alliances or any unnecessary controversy. We desire no monopoly of the right of way for our commerce, and we cannot submit to it if claimed for that of any other nation. If we held and enjoyed such a monopoly, it would entail upon us more bloody and expensive wars than the struggle for Gibraltar has caused to England and Spain. The same calamities would infallibly be cast upon any other nation claiming to exclude the commerce of the rest of the world. We only ask an equal right of passage for all nations on the same terms—a passage unencumbered by oppressive exactions either from the local government within whose sovereign limits it may be effected, or from the proprietors of the canal when accomplished. For this end we are willing to enter into a treaty stipulation with the Government of Nicaragua, that both Governments shall forever protect and defend the proprietors who may succeed in cutting the canal and opening the water communication between the two oceans for our commerce. Without such protection, it is not believed that this great enterprise would ever be successful. Nicaragua is a feeble State, and capitalists, proverbially a timid race, may apprehend from the rapacity of great maritime Powers the obstruction and even the seizure of the canal. Similar apprehensions on their part, from revolutions in the local government, from the oppression and exactions of temporary chieftains, and from causes not necessary to be explained, may operate to retard a work in regard to which it may be safely predicted, that when successfully accomplished, its benefits to mankind will transcend those of any other similar work known in the history of the world. All these apprehensions may and will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it is not to acquire for ourselves any exclusive or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to enjoy the same benefits, and will agree to be bound by the same guarantee. In desiring that our own countrymen may obtain the charter or grant of the right to make the canal, we do not mean to be misunderstood. Our purpose in aiding American citizens to obtain the grant is to encourage them in a laudable effort, relying, as their Government does, more on their skill and enterprise than that of others. If they themselves prefer to unite with their own the capital of foreigners who may desire to embark in the undertaking, this Government will not object to that. We should naturally be proud of such an achievement as an American work; but if European aid be necessary to accomplish it, why should we repudiate it, seeing that our object is as honest as it is openly avowed, to claim no peculiar privilege, no exclusive right, no monopoly of commercial intercourse, but to see that the work is dedicated to the benefit of mankind, to be used by all on the same terms with us, and consecrated to the enjoyment and diffusion of the unnumbered and inestimable blessings which must flow from it to all the civilized world?

"You will not want arguments to induce Nicaragua to enter into such a treaty with us. The canal will be productive of more benefit to her than any other country of the same limits. With the aid of the treaty it may (without such protection from some Power equal to our own, it cannot) be accomplished. Let your negotiation with her be frank, open, and unreserved, as to all our purposes. The same reasons for our interference must be avowed to the capitalists who may enlist in the work. Before you treat for their protection, look well to their contract with Nicaragua. See that it is not assignable to others, that no exclusive privileges are granted to any nation that will not agree to the same treaty stipulations with Nicaragua, that the tolls to be demanded by the owners are not unreasonable or oppressive, that no power be reserved to the proprietors of the canal or their successors to extort at any time hereafter, or unjustly obstruct or embarrass, the right of passage. This will require all your vigilance and skill. If they do not agree to grant us passage on reasonable and proper terms, refuse our protection and our countenance to procure the contract from Nicaragua. If a charter or grant of the right of way shall have been incautiously or inconsiderately made before your arrival in that country, seek to have it properly modified to answer the ends we have in view."

It will thus be seen that the policy of President Taylor was not only in accordance with the resolution of 1835, but with the principles adopted by both Houses of Congress, and with those of every President of the United States from the days of Presidents Adams and Jackson to this time, so far as we have the means of ascertaining them.

But, it will be asked, if the views of President Polk were really such as are here represented, why was it that he suffered Mr. Hise to violate the principle and abandon the whole policy of the Government by the negotiation of Mr. Hise's treaty with Nicaragua of the 21st of June, 1849, by which Nicaragua grants "to the United States, 'or to a company of the citizens thereof, *the exclu-* '*sive right and privilege* to make, construct, and 'build, within the territories of the State of Nicar-'agua, through and by the use and means of any 'of the streams, rivers, bays, harbors, lakes, or 'lands, under the jurisdiction or within the limits 'of said State, *a canal* or *canals*, or *road* or *roads*, 'either *railways* or *turnpikes*, or *any other kind of* '*roads*, for the purpose of opening a convenient 'passage and communication between the Carib-'bean sea and the Pacific ocean?" The answer is, that Mr. Polk never assented to or authorized any such thing. Mr. Hise acted in making the treaty not only without instructions and beyond his powers, but in direct opposition to the instructions which Mr. Buchanan gave him in his letter of the 3d of June, 1848. He went with powers to conclude a common treaty of commerce with the Republics of Guatemala and San Salvador. But Mr. Buchanan expressly added, "it is not, however, 'deemed advisable to empower you to conclude a 'treaty with either Nicaragua, Honduras, or Costa 'Rica, until you shall have communicated to the 'Department more full and authentic statistic in-'formation in regard to those States than that which 'it now possesses." Mr. Hise's treaty, granting to us the exclusive right of way, was not only hostile to all the views and opinions of Mr. Polk, but it was also adverse to the sentiments of Mr. Buchanan, the Secretary, as expressed by him to Mr. Crampton, the British Minister, on the 22d of May, 1848, at which time Mr. Buchanan requested Mr. Crampton to ascertain Lord Palmerston's opinion with regard to a plan he felt very anxious to give effect to for the establishment of a communication by a railroad, in the first instance, and afterwards, if practicable, by a ship canal, across the Isthmus of Panama, between the Atlantic and the Pacific oceans.

The great obstacle which had prevented the execution of this important undertaking had been, in Mr. Buchanan's opinion, the want of security for property in the territory which embraces the isthmus, resulting from the continual revolutions and

hostilities of the Republics of Central America; and for this state of things he proposed the remedy by the conclusion of a treaty between Great Britain and the United States, admitting as parties to it, should it be thought desirable, France or any other great commercial Power, by which treaty the perpetual neutrality of the province in which the Isthmus of Panama is situated should be guarantied. Mr. Buchanan proposed to afford the advantage of the communication at a moderate toll to all nations. In these views, General Herrau, the Minister of New Granada, concurred. The British Minister himself is my authority for the fact.

We know, therefore, that the views of Mr. Buchanan concurred with the principle established in 1835, and that he could not have yielded his approbation to Mr. Hise's treaty for a monopoly.

But Mr. Hise's treaty, independently of the objection on the ground of the exclusive privileges it conferred, was liable to others.

By the third article—

"It is agreed that if the Government of the United States shall decide not to undertake and construct the said works, then either the President or Congress thereof shall have the power and authority to frame, enact, and issue a charter or act of incorporation, containing such liberal provisions, and such grants of rights and privileges, (not inconsistent with the rights of the contracting parties herein secured,) as may be necessary, convenient, or proper to effect the great objects in view."

We see, then, that Mr. Hise's treaty proposed, first, that the Government of the United States should undertake and construct the canal in Nicaragua; and, secondly, if it should decide not to do so, then either the President *or* Congress should issue a charter or act of incorporation for the purpose. As to the first proposition, I have never yet met with any man of any party who supposed that our Government had power to make improvements outside the United States and their territories. Mr. Polk denied that it had power to make internal improvements, and Mr. Buchanan was of the same strict-construction school. As to the second proposition, to confer upon the President *or* Congress the power to issue a charter or act of incorporation for the purpose of cutting a canal in Nicaragua, I need not ask the question, Who believes that either of them could exercise such a power under the Constitution? No foreign Government could confer a greater power upon our President or our Congress than the Constitution delegates to them. The power of Congress to create a corporation within the limits of the United States was denied by Mr. Polk. But if there be any man (except the Senator from Illinois, Mr. DOUGLAS) who thinks that either the President (who has no legislative power) *or* Congress, or both combined, have power to issue a charter incorporating a company to make a canal in Nicaragua, or a railroad in China, I have not yet been him.

By the twelfth article of Mr. Hise's treaty it is provided, in consideration of the monopoly granted and the other grants in the preceding articles, that—

"The United States of America doth solemnly agree and undertake to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country, coasts, ports, lakes, rivers, and territories that may be rightfully under the jurisdiction and within the just and true limits and boundaries of the said State; and when the circumstances and condition of the country may require it, the United States shall employ their naval and military force to preserve the peace and maintain the neutrality of the said coasts, ports, lakes, rivers, and territories, and to hold and keep the same under the dominion and sovereignty of the Government of the State of Nicaragua, or of the Government of such State or political community of which Nicaragua may voluntarily become a member, or with which, of her own accord, she may hereafter be identified."

Does any man here defend such a treaty as that? This is one of the first instances since the ancient entangling alliance made with France by the treaties of 1778, in which any minister of this Government has attempted to disobey the solemn injunction of the Father of his Country to avoid all such politicial connections. For this is a political, not a mere commercial alliance. It is difficult to perceive how it could have failed to plunge us into a war. Mr. Polk, in his message to the Senate, when transmitting the treaty which provides for the protection of the Panama railroad, that the Province of Panama shall be neutral territory, justifies that treaty on the ground that it is a treaty for commercial purposes merely, and not a treaty for a political alliance, which he admits would have been fatal to its confirmation. On the very principles laid down by Mr. Polk in that message it is impossible that he could have ever consented to the ratification of Mr. Hise's treaty.

I have quoted but a part of the twelfth article. The other provisions of that article are not only entangling, but entangled. If I understand the article at all, it provides that we shall not support Nicaragua in her wars of aggression *outside* of her just limits; yet the naval and military forces, and the *entire means* and *resources* of both the contracting parties shall be employed "to put down all wars and bloodshed arising therefrom," and to suppress all violations of the peace and interruptions of the neutrality of the State of Nicaragua; that is to say, if Nicaragua should go to war outside of her own limits, we are bound to fight till we put down the wars and bloodshed arising from them; and Nicaragua is to help us to do that, for not only our entire means and resources, (that is, all we have in the world, or can possibly get,) but all she has or can procure shall be employed for the common purpose. We are also bound to suppress all violations of the peace within her limits; to effect which we must have kept an army there. The twelfth article then proceeds to declare, "for further explanation, it is 'understood that if the State of Nicaragua should 'become involved in a [just] war with any for-'eign Power or neighboring State within her own 'border, to defend the territories rightfully be-'longing to her, or to recover such territories 'wrongfully wrested from her, the United States 'engage to aid and defend Nicaragua in carrying 'on such war within her own rightful limits." Comment upon this provision of Mr. Hise's treaty would seem to be an inexcusable waste of time.

There are other articles in this treaty sufficiently absurd to condemn it. But if I have not already shown enough for that purpose, I feel that it would be useless to refer to any others. Is there a man in this Senate who will dare to stand up and say he would have voted for it? Not one! And if the whole Senate had voted for such a treaty, it could never have been ratified either by President Polk or by President Taylor. If the President had ratified it on our part, we know it never could have become a treaty, for the Government of Nicaragua, when this treaty was presented to it by Señor Selva, the commissioner who signed it with Mr. Hise, utterly disapproved it, and refused to ratify it. Of this fact all were fully apprised by the published letter of Mr. Carcache, the charge d'affaires accredited to our Government by that of Nicaragua, addressed to the Secretary of State on the 31st of December, 1849.

It was under these circumstances that the Senator from Illinois [Mr. DOUGLAS] made a charge against me on the floor of the Senate, on the 14th day of February last, that *I* had suppressed Mr. Hise's treaty. What right had he to say that *I* had suppressed the treaty? As a Senator he ought to have known, and if he attended to his duty, and read the correspondence transmitted to the Senate by the President, he did know that it was utterly untrue; for General Taylor himself informed the Senate that he had declined sending it to the Senate for ratification, for reasons which I have already given. If the Senator meant to say that I had concealed the treaty, then his statement was equally destitute of truth, for he knew well that I had sent that treaty to Congress on the 18th day of July, 1850, and that it was among the published documents when he made the statement.

[Mr. DOUGLAS here said he meant only that the treaty had not been sent to the Senate for ratification.]

The Senator has been on many occasions engaged in making charges against the administration of President Taylor that this treaty was not submitted to the Senate for ratification. I have read publications of some of his stump speeches in regard to this treaty—has he any complaint to make *now*? Dare he now say that he would, under any possible circumstances, have voted for that treaty? Would he desire me to send such a treaty as that to the Senate for ratification? Would he ratify it? He cannot say that he would; and if he cannot, with what show of propriety did he arraign me or President Taylor for declining to offer it to the Senate for ratification? When he indulged himself so freely at my expense, on the 14th day of February last, did he not know that neither Mr. Buchanan nor Mr. Polk had ever authorized Mr. Hise to make such a treaty?—that although Mr. Hise stated in the treaty that he had full powers to negotiate it, yet he had no such powers? Did he not know that Mr. Hise made the treaty in utter disobedience to Mr. Buchanan's instructions? Did he not know that Mr. Hise made that treaty after his recall, and after the appointment of his successor? Did he not know that the treaty was utterly inadmissible on the principles publicly avowed and acted upon by Mr. Polk? Did he not know that the treaty violated plain principles of constitutional law, and overthrew the settled policy of this Government since its origin? Did he not know, while he was delivering his speech here in the Senate, that this was a treaty the like of which no man of any party could either ratify or approve?

In a report of the speech of the Senator from Illinois, now before me, he states his objections to the treaty made by Mr. Squier with the State of Nicaragua, and also to the Central American treaty concluded with Great Britain on the 19th of April, 1850. As both these treaties were negotiated on the principles of the resolution laid down in the Senate on the 3d of March, 1835, I will take this occasion of answering his objections, and correcting some of his misstatements. In that speech the Senator says that Great Britain could never have colonized any part of Central America. In another part of the same speech he says that Great Britain *had* colonized the Bay of Islands, which he says lie in Central America, and belong to the State of Honduras, in violation of the Monroe doctrine and the treaty negotiated by me with Mr. Bulwer. Both the statements cannot be correct—the one or the other must be untrue; and strange must have been that obliviousness which involved the Senator in such a flat contradiction of himself. Again: he says that I had instructed Mr. Squier to say to the Government of Nicaragua that Mr. Hise had no authority to act. This is another singular misstatement. There is not a word in my instructions to excuse the Senator for making it. I had no idea that Mr. Hise had disobeyed Mr. Buchanan's instructions when I wrote the instructions to Mr. Squier. He had been directed to make no treaty with Nicaragua. How could I imagine that Mr. Hise had acted upon powers which were never granted to him by my predecessor? The date of my instructions to Squier, as the Senator knew, was the 1st of May, 1849. He equally well knew, if he read the public documents, that Mr. Hise's treaty was not made till the 21st day of June thereafter. The Senator prefers Mr. Hise's treaty on account of the monopoly of the right of way; and his objection to that of Mr. Squier is, that it opened the right of way to all nations upon the same terms. Did the Senator object to the treaty negotiated in the time of Mr. Polk with New Granada? And is not that treaty liable to the very same objection which he now makes against that of Mr. Squier? It is Mr. Polk's boast in his message transmitting the New Granada treaty, that the Panama route would be "open to *all nations* on the same terms."

The Senator, who has joined with a few others in denouncing the treaties with Nicaragua and Great Britain for making the "Nicaragua passage free to all nations on the same terms," was never known to open his mouth against the treaty which opened the Panama railroad to all nations. The treaty of the 19th of April, 1850, provides for the neutrality of the territory of all the Central American States, and for that reason the Senator condemns it. The treaty with New Granada, having in view the same object—the protection of an interoceanic communication through the Isthmus of Panama, and providing for the neutrality of the province of Panama—meets with his unqualified approbation. The Senator has taken up his song against the treaty which guaranties the neutrality of all the Central American Republics, and liberates them from the dominion of Great Britain. That Government had actually seized them and occupied them, and yet his harp hung upon the willows from the day when the treaty establishing

the neutrality of Panama went into operation till the present time, and during the whole succeeding period of five years not a murmur of disapprobation escaped his lips. He complains that, under the treaty negotiated by the Administration of General Taylor, we could not fortify in Central America, while the British can fortify at Jamaica; yet he has always been perfectly satisfied with the treaty of Mr. Polk, which deprives us of the power to fortify in any part of the province of Panama, while the British can fortify in British Guiana. He is shocked that we cannot annex the Central American Republics to the United States; yet he himself professes, almost in the same breath, to be opposed to the annexation. He cannot understand the reason why the Government of Nicaragua refused to ratify the treaty made by her Commissioner, Señor Selva, with Mr. Hise; yet he has seen that treaty which cedes away the jurisdiction of the State and her public domain to an enormous extent, and reduces her to a complete stage of vassalage; and, because he cannot understand this, he attributes her refusal to ratify that treaty to the influence of Mr. Squier and to my instructions. He amuses us with the assertion that the treaty of the 19th of April, 1850, is a negation of the Monroe doctrine in every particular; yet in the next breath he asserts that the treaty and the Monroe doctrine are so identical that a violation of one is a violation of both. And he urges us to make an issue with the British Government about the colony of the Bay Islands, which he says is a striking infraction of the treaty as well as the Monroe doctrine, and presents a very pretty quarrel as it stands. He is a great advocate of the Monroe doctrine, yet refuses to vote for that doctrine when asserted in a resolution presented by one of his own party.

As he declared that his reason for opposing the treaty of the 19th of April, 1850, was its "negation of the Monroe doctrine," I propose to examine the history of that doctrine, with a view to show not only that his assertion is unfounded, but that, while the policy indicated by the treaty has been the established policy of this Government for more than twenty years, the Monroe doctrine never has been established as a principle to regulate the action of this Government, and has been repudiated as often as an effort has been made in Congress to sustain it. In saying this, I do not mean to be understood that the Executive branch of the Government has not recommended it to Congress for effect or to attain a special object, nor do I mean to censure any President for doing so, but the President does not constitute the Government; and I mean to say that neither the President and Senate, by any treaty, nor Congress, by any vote or resolution, have ever sustained it.

Mr. Monroe's declaration was made in his seventh annual message to Congress, on the 2d of December, 1823:

"We owe it," said he, "to candor and to the amicable relations existing between the United States and the European Powers, to DECLARE that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies and dependencies of any European Power we have not interfered and shall not interfere. But with the Governments which have declared their independence and maintained it, and whose independence we have, on great considerations and just principles, acknowledged, we could not view any interposition, for the purpose of oppressing them, or of controlling in any other manner their destiny, by a European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

This celebrated declaration, which is often quoted as a pledge to go to war with any European nation which shall attempt to colonize any part of this hemisphere, is not a declaration by the President to a foreign country, but a mere recommendation to Congress, to declare, first, that we think any attempt to extend the European system, that is, to make a European colony in this hemisphere, would be dangerous to our peace and safety; and, secondly, that any European interposition to control the destiny of an established American Government would be viewed by us as a manifestation of an unfriendly disposition towards the United States. Congress utterly refused to adopt the recommendation at the time, and has ever since refused to make any such declaration. Mr. Monroe made no declaration himself; but, in pursuance of the power given him by the Constitution to recommend to Congress such measures as he should deem expedient, he said, in his message to the two Houses: "We owe it to ourselves to declare," &c.; that is, he *recommended* to Congress (in virtue of the right to recommend given him by the Constitution) to make this declaration in some resolution or other proper form, and he was pledged by it to nothing more than this: that, if Congress shaped such a resolution, or made such a declaration, *he* would approve it. There was no pledge in it to any Power on earth but his own countrymen in Congress assembled. The American Government could be committed only by the vote of both Houses of Congress, approved by the President. The proposition recommended by Mr. Monroe was warmly opposed by the very Congress to which it was submitted. No such declaration was made or attempted to be made by Congress; but Mr. Clay, who was an ardent supporter of Mr. Monroe's administration, did, at the time, propose a resolution to the House of Representatives, which was intended to *approach* the declaration, but even that failed. His resolution was, "that 'the people of these States would not see, without 'serious inquietude, any *forcible* interposition *by the* 'allied Powers of Europe, in the behalf of Spain, *to* 'reduce to their former subjection those parts of the 'continent of America which have proclaimed and 'established for themselves, respectively, independ-'ent governments, and which have been solemnly 'recognized by the United States." Even had this passed, it was but a poor response to the recommendation. It did not adopt Mr. Monroe's language or its equivalent, and it restricted "the serious inquietude" we should feel to the case of a *forcible* interposition *by the allied Powers to aid Spain!* But Mr. Clay's resolution, even when thus diluted, backed by all the influence which he and Mr. Webster exerted on the occasion, never passed the House of Representatives. The Hon. James K. Polk, during the debate on the Panama mission, tells us the fate of Mr. Clay's resolution, and of Mr. Webster's kindred Greek resolution, which was defeated by a large majority at the same session. As Mr. Polk is often cited as an advocate of the opinion that Mr. Monroe's presidential message had pledged the nation to adopt the policy which Mr. Monroe merely recommended, I beg to quote the following passage from his speech on the Panama mission, in 1826, as not only showing that he did not consider such recommendations as he and Mr. Monroe gave to Congress as in any sense binding upon this Government, without the consent of Congress, but also to show the fate of Mr. Clay's resolution:

"Before he concluded, Mr. Polk said he would say a word in relation to the pledge which it was said the nation had given in relation to our South American policy. When the message of the late President (Monroe) of the United States was communicated to Congress, it was viewed, as it should have been, as the mere expression of opinion of the Executive, submitted to the consideration and deliberation of Congress; and designed, probably, to produce an effect upon the councils of the Holy Alliance, in relation to their supposed intention to interfere in the war between Spain and her former colonies. That effect it probably had an agency in producing; and, if so, IT HAD PERFORMED ITS OFFICE. The President had no power to bind the nation by such a pledge. The sound and sober judgment of the people of the United States had not been brought up to the conclusion that we could, in any event, make common cause with the Republics of the South, or involve ourselves in the calamities of war in their behalf; all our sympathies, all our good feelings were with them; we wished them success; but self-preservation is the first law of nature and of nations; we were then, as he hoped we still were, unprepared to depart from our settled policy. As a strong evidence of what the opinion of this House then was, the present Secretary of State, (Mr. Clay,) then a member of the House, had submitted a resolution responding to the sentiments of the message of the President. The Greek resolution was submitted, too, at the same session, by the honorable member from Massachusetts; the fever was up; we seemed to be then, if we ever had been, prepared to go on a political crusade in behalf of others. The sober judgment of the House interposed; the Greek resolution shared its fate, and sleeps upon the table. Mr. Clay saw clearly that the same fate inevitably awaited his South American resolution, with only this difference, that it would probably have been negatived *by a much more overwhelming majority.* It was not called up. He, however, effected one object; he prevented any expression of opinion. By submitting his resolution, others were induced not to do so, with an expectation of having an opportunity of voting on his. And now it is said the national honor is pledged to act up to the declaration of that message. For himself, he did not so consider it; and for one, he never could agree to endanger the peace of the country by sending ministers to the consultative assembly at Panama."

In the same celebrated debate on the Panama mission, Mr. Buchanan opposed the mission on the same grounds: Speaking of the Monroe declaration, he said:

"It answered the purpose for which it was intended, and the danger which then threatened the Southern Republics has since passed away. This declaration *contained no pledge to any foreign Government.* It left us perfectly free, but it has since been converted into such a pledge by Mr. Adams's administration; and, although they have not framed formal alliances with the Southern Republics, yet they have committed the country in honor to an alarming extent." "Mr. Clay has gone to such extremities in the cause of these Republics, that in this particular prudent men would feel disposed to compliment his heart at the expense of his understanding."

Mr. Buchanan's complaint against Mr. Clay, which, he thought, went to show the weakness of Mr. Clay's head, was this: that he had instructed Mr. Poinsett to bring to the notice of the Mexican Government the message of Mr. Monroe, and that Mr. Poinsett had said to the Mexican Government that "the United States had pledged them-'selves not to permit any other Power to interfere 'with the independence or form of government of 'the Spanish American Republics." I know it is claimed that in Mr. Buchanan's instructions to Mr. Hise, he asserted the Monroe doctrine; but on a careful examination of his language it will be found that he did not instruct Mr. Hise to make any such declaration, and only said that European interference with the domestic concerns of the American republics would "jeopard their independence and ruin their interests," and in the very next sentence he assigns a reason why the United States decline to resist such interference. In the same instructions he tells Mr. Hise that "it is our intention to maintain our established policy of non-intervention in the concerns of foreign nations."

Such are the words of Mr. Polk and Mr. Buchanan. Their acts or omissions to act were still more significant of their opinion of the binding force of the Monroe doctrine. The letters of Buitrago, the Secretary of State of Nicaragua, to Mr. Buchanan, of the 12th of November, 1847, and of *Guerrero*, the President or Supreme Director of that State, to President Polk, on the 15th of November, 1847, *implore* the enforcement of the Monroe doctrine. Not one word of reply—not any kind of notice was ever given by either of them to Nicaragua that such letters were received. The most impassioned eloquence, urging again and again that Nicaragua was about to fall a victim to British aggression, and entreating the United States to interfere on the very principles advanced by Mr. Polk himself, in his message at the first session of the Twenty-ninth Congress, and reiterated in his Yucatan message, was of no avail. The solicitations of Salinas and Castellon, and the warnings of Mr. Livingston, our consul at Leon, were equally ineffectual. There *seemed* to be no chord in the bosom of that Administration which vibrated to the touch of those who kneeled and begged for succor in this dark hour of their distress. The Monroe doctrine was laid aside; the President's own recommendation to Congress had, we must suppose, also, like Mr. Monroe's, "*performed its office.*" The British, in their ships of war Alarm and Vixen, entered the San Juan river without *even a remonstrance* from our Government, on the 8th of January, 1848, and while Mr. Polk and Mr. Buchanan slumbered over all these forewarnings of the fate of Nicaragua, took the town of San Juan, and changed its name to "Greytown," stormed the fort of Serapaqui, and in the Island of Cuba, in the midst of the magnificent lake of Nicaragua, dictated their own terms as conquerors to the unhappy people who, relying upon our supposed promises of help contained in the President's previous public avowal of the Monroe doctrine, had dared to wage war and expend their blood in defense of their native land. The documents before Congress exhibit on the part of our Government the most cold and contemptuous silence—a perfect indifference to all the appeals of our weak sister Republic, and her letters were never answered until they were answered by Zachary Taylor, who *has been so much abused for not carrying out the Monroe doctrine!* His letter to the President and mine to the Secretary of the State of Nicaragua, are among the published documents before you; and how fully they refute the calumnies which for three years have filled a portion of the party press of this country and disgraced its character for veracity, all men are now

free to judge. The Secretary will read the letters.

DEPARTMENT OF STATE,
WASHINGTON, *May* 3, 1849.

SIR: I have the honor to acknowledge the receipt of the communications which your Excellency addressed to this Department, under dates the 19th November, 1847, and 6th March, 1848, relative to the seizure by the British of the port of San Juan de Nicaragua. These communications have been read with painful interest, and have led to a determination on the part of the President of the United States to accede to the request of the Government of Nicaragua for the interposition of the good offices of this Government, in a friendly manner and spirit towards both Great Britain and Nicaragua, for the purpose of adjusting the controversy with reference to the Mosquito shore. Instructions have accordingly been transmitted to the Minister of the United States at London, which it is hoped may be instrumental towards inducing the British Government to respect the just rights of Nicaragua, and towards effecting a satisfactory accommodation of all the matters in dispute.

I avail myself of this occasion to offer to your Excellency assurances of my most distinguished consideration.

JOHN M. CLAYTON.

His Excellency the MINISTER FOR FOREIGN AFFAIRS *of the Republic of Nicaragua.*

ZACHARY TAYLOR,

PRESIDENT OF THE UNITED STATES OF AMERICA.

WASHINGTON, *May* 3, 1849.

DEAR AND GOOD FRIEND: I have to acknowledge the receipt of your communication of the 15th December, 1847, which has been read with lively and painful interest. The Secretary of State of the United States has this day addressed a note to the Minister of Foreign Affairs of Nicaragua, expressing the sympathy of this Government for the injuries which that State believes she has received in consequence of the forcible occupation of the port of San Juan by British authorities, and mentioning the friendly steps which have been taken by us with a view to obtain redress therefor. Your Excellency may be assured that our efforts to this end, in an amicable spirit and manner towards both Nicaragua and Great Britain, will be cordial and zealous, and will be animated by the desire, which we sincerely cherish, that the just territorial rights of Nicaragua may be respected by all nations, and that she may advance in prosperity and happiness.

Your good friend, Z. TAYLOR.

To his Excellency the DIRECTOR OF THE STATE OF NICARAGUA.

By the President:

JOHN M. CLAYTON, *Secretary of State.*

During the administration of Mr. Polk, the British aggressions in Central America were constantly increasing. The attack in 1848 was made just six days *after* the treaty of Guadalupe Hidalgo, by which we acquired California. It blocked up our passage to the Pacific. The war with Mexico was ended—the army of Taylor was unemployed. If it were desirable to prove the truth of the Monroe doctrine to the British, a few philosophers could have been selected from the "army of occupation" that would have been most convincing in their arguments. Thackeray says there is nothing like a good rattling article from the throat of a nine-pounder to carry conviction in such cases. Why not act upon the idea of Louis Napoleon, and "throw the sword of Brennus into the scale of civilization?" The answer is, Mr. Polk preferred to adhere to the doctrine of his speech on the Panama mission, and did not regard this Government as bound by his recommendations of the Monroe doctrine to Congress because Congress had not adopted them.

Another instance in which Mr. Polk disregarded these recommendations made by himself, was on the occasion of the Oregon treaty. He was elected on the platform of "the whole of Oregon or none." "Fifty-four forty, or fight," was the euphonious alliteration—the war-cry; the very shibboleth of his party. He recommended to Congress the Monroe doctrine again, and yet we know, from authentic evidence, he did not intend to act upon his own recommendation. He sent Mr. McLane to England to negotiate the Oregon treaty, and Mr. McLane on his return, at a public dinner in New York, informed us that "a divis-'ion of the country (i. e. Oregon) upon that prin-'ciple, (a compromise on the 49th parallel of lati-'tude,) with a reasonable regard to rights grown 'up under the joint possession, always appeared to 'me (him) to afford a just and practicable basis for 'an amicable and honorable adjustment of the sub-'ject. *Such, also, I was satisfied, were the views of 'our Government at the time I engaged in my recent 'mission; and in earnestly and steadily laboring to ef-'fect a settlement upon that basis, I was but represent-'ing the policy of my own Government,* AND FAITH-'FULLY PROMOTING THE INTENTIONS AND WISHES OF 'THE PRESIDENT!" Here, again, Mr. Polk gave evidence of the practical abnegation of the Monroe doctrine asserted in his messages, and again adhered to the doctrines of his speech on the Panama mission. "Fifty-four forty" was given up without the promised "fight," and the doctrine of Washington triumphed again over the Monroe doctrine by the ratification of the Oregon treaty.

The statement of Mr. McLane enables us to understand now why it was that the resolutions introduced into the Senate by Mr. Allen, of Ohio, on the 14th of January, 1846, were stifled and effectually voted down by the Democratic Senate of that year. The friends who really understood Mr. Polk were all opposed to that resolution, which affirmed the same doctrines publicly espoused by the President and his party organ; and while every Democratic newspaper in the United States was filled with the Monroe doctrine, and with "fifty-four forty, or fight;" while the Senators from Michigan [Mr. CASS] and from Ohio [Mr. ALLEN] and from Indiana, [Mr. HANNEGAN,] with many others of the same party, were deceived by the *public* opinion of the Executive head, others secretly knew and acted upon the *private* opinion of Mr. Polk, and these were the men who suppressed the resolution and voted down the Monroe doctrine. This was another memorable instance in which that doctrine was practically repudiated. I was not deceived by the Executive message, or by the party press, or by the "*civium ardor prava jubentium,*" which distinguished that crisis.

Among those who were the most ardent for "fifty-four forty" was the Senator from Illinois, [Mr. DOUGLAS.] He was not in the Senate. He supposed the Monroe doctrine was popular, and that his party meant to sustain it. He was easily duped, and still complains of it.

Indulge me in a few more words to close the history of the Monroe doctrine. On the 20th of April, 1826, the House of Representatives adopted an amendment to a resolution declaring it expedient to appropriate the funds necessary to enable the President to send ministers to Panama, which amendment was indeed a complete negation of the whole Monroe doctrine. This amendment was carried by a party vote, all the leading men then belonging to the Jackson party voting against the Monroe declaration and in favor of the amendment, and all the leading men supporting Mr. Adams's administration voting against the amendment. This amendment, which was a complete stifler of the whole Monroe declaration, obtained ninety-nine votes, among which were those of Messrs. BUCHANAN, Forsyth, Houston, Ingham, McDuffie, McLane, and POLK! It is very remarkable that the Democracy, at the very origin of their present party, totally repudiated the whole declaration, and came into power on the principle of Washington's doctrine of non-intervention. It has been often said, and there is much reason to believe, that Mr. Adams, who was Secretary of State at the time Mr. Monroe proposed the doctrine, was entitled to the paternity of it. Mr. Calhoun once intimated so much in the Senate. It was the principal topic of discussion in Congress during the administration of Mr. Adams, and it was generally believed at the time that the reassertion of the Monroe principle in Mr. Poinsett's instructions, and in the course adopted by the advocates of Mr. Adams in favor of the Panama mission, drove Mr. Adams from power and secured the election of President Jackson, whose party, shortly after his election, assumed the name of the Democratic party. Among his most ardent advocates was Mr. Van Buren, the great Coryphæus of that party, who, in a speech in the Senate, opposing the Panama mission and the Monroe doctrine, said:

"I will venture to affirm that there is not a member on this floor who will avow his willingness to enter into a stipulation to resist attempts by the European Powers to colonize any portion of this continent. If mistaken," said Mr. Van Buren, "I desire to be corrected. No; I am not. No; thank Heaven, a policy so opposite to all the feelings of the American people, so adverse, as I firmly believe it to be, to its true interests, has no friend, at least no advocate, on this floor."

This speech was pronounced the ablest delivered in Congress since Mr. Pinkney's reply to Mr. King. I could fill volumes from the speeches of Mr. Hayne, Mr. Rives, Mr. McLane, Mr. Calhoun, and all the ancient leaders of the Democratic party against this Monroe doctrine. But I will not longer, and in this manner, trespass upon your patience by the introduction of their opinions. The Senator from Michigan [Mr. CASS] was perfectly correct when he said that this declaration of Mr. Monroe had lain, ever since its origin, a dead letter on our records. His recent attempt to revive it by his resolution at the last session, closes the history of the Monroe doctrines. That resolution met with such violent opposition from his own party as to give us the assurance that no President who should undertake to act upon it could be sustained. With all similar resolutions, recommendations, and declarations, it was consigned to "that same ancient vault where all the kindred of the Capulets lie."

With this history before us, I would leave the Senator from Illinois the full benefit of his objection to the treaty of the 19th April, 1850, if I could. He said, and repeatedly said, that every article of that treaty is predicated upon a negation and repudiation of the Monroe declaration in relation to European colonization on this continent. If that were true, it ought to be the greatest recommendation of the treaty to one who assumes to belong to the Democratic party, and to be a follower of the principles of Jackson. He would have been, if true to his present principles, a thorough-going Adams man in 1826, and ought to have been heard in favor of the Panama mission and the instructions of Mr. Clay to Mr. Poinsett. The Senator does not understand the distinction between an alliance for political purposes and a compact to carry out a commercial enterprise. Every word of objection which he made to this treaty was equally applicable to Mr. Polk's treaty with New Granada to protect the province of Panama, and to Mr. Buchanan's proposition to Mr. Crampton to invite not only Great Britain, but France and other commercial Powers, to enter into the same treaty stipulations which we had contracted in regard to a canal or railroad at Panama, and his opposition is founded on principles which would overthrow every commercial treaty we ever made.

But, notwithstanding his assertion that the treaty is a negation of the Monroe doctrine in every particular, I must tell him that it presents the only instance in which an European Power, which had attempted to colonize a portion of this hemisphere, and to extend the European system here, has been induced by the action of this Government to abandon the attempt. Impartial history will distinguish between such action and that mere noisy declamation to frighten the vulture from his victim, which has generally carried more consternation into the ranks of friends at home than of foes abroad.

The Senator from Michigan [Mr. CASS] very correctly answered the gentleman when he said that after all attempts to adopt the Monroe doctrine had failed, and it had remained a dead letter for a quarter of a century, the treaty "was the best thing we could do." "We could not (said he) get a Congressional sanction of the Monroe doctrine;" and the Senator from Illinois, at this day, is not willing to join in giving it. I repeat, what had we to do under these circumstances? Why, it was manifestly our policy to agree with England to keep hands off. If we had not done so, England must now have been and would have been in the undisturbed possession of all the Central American States upon which she desired to fix her grasp.

Before I leave this part of the subject, permit me to allude briefly to the reason why I did not vote on the treaty with New Granada in 1847. I was at that time a member of the Senate, and did highly approve of the general provisions of the treaty, but was opposed to so much of it only as guarantied the sovereignty of New Granada in her own territory. No such guarantee is to be found in the treaty of 1850. The treaty with Nicaragua, which Mr. Squier negotiated, was no entangling alliance, but only recognized the title of that State, without any guarantee of that title; and as that treaty provided for the protection of the canal by the local government as well as ourselves, I thought it essential to the completion of the enterprise. President Taylor submitted that treaty to the Senate with an assurance that, should the Senate concur with him, he would ratify it, and recommended only such alterations in it as would make it fully in accordance with the British treaty. I placed

the amendments which would have effected that object in the hands of the chairman of the Committee on Foreign Relations, leaving it to the discretion and judgment of the Senate to decide whether they would or would not recognize the Nicaragua title, which the President was willing to do. Spain had, by treaty, recognized that title. In a few days after I resigned the office of Secretary of State, which I had been anxious to do long before, on account of private considerations. The President had refused to accept my resignation; but his untimely death, on the 9th of July, 1850, released me from the obligations under which I felt bound to remain in office; and after my retirement I never learned the reason for the omission of the Senate to act upon the treaty with Nicaragua. In my judgment that treaty should be revived, or some similar treaty negotiated without delay, to prevent the local government from ever attempting to confiscate the canal in the event of its construction. The failure of this treaty was much regretted by me.

As to the British protection in Central America, it was of course disarmed by the treaty. Its terms are too plain to be misunderstood by any one. Great Britain cannot place an armed soldier on the territory without violating the treaty. She cannot protect the Indians with a view to obtain possession of the country, nor can she occupy or assume any dominion for the purpose of protection. There is nothing undefined in the treaty on this subject. All British dominion in the whole of Central America, extending as it does by the line of the sea-coast nearly one thousand miles, is abandoned. The member from Illinois says that Great Britain has not abandoned any part of the country. I do not place much reliance on any statement he makes on this subject. The British Minister assures us that his Government has observed the treaty, and means to observe it faithfully; and the Secretary of State informs us that San Juan de Nicaragua is no longer in possession of Great Britain, but is really governed by American citizens who reside there. But if the treaty has not been respected, it is not my fault.

It was of no importance to me or my country to expel the miserable savages from their fishing or hunting grounds. Humanity dictated to us that they should not be butchered by those who had been their bitter foes while Great Britain was striving to obtain possession of the country, and was exercising in their name absolute dominion in Central America. We had no justifiable motive for preventing Great Britain from interceding in a friendly way with any one of the Central American Republics to save them from destruction. There are not, I learn, at this time more than five hundred of these wretched Mosquito Indians in existence. They are, like all their race, rapidly disappearing from the earth, and in a very few years will cease to exist, notwithstanding all the care that humanity can bestow upon them. The leprosy and other loathsome diseases have thinned their numbers to a mere shadow of a tribe, and the Minister to Central America tells us, in one of his dispatches, that by the laws of the country the penalty of death is imposed upon any one who shall intermarry with them. The protectorate through which Great Britain intended to assume dominion over all this region, as she had done through other protectorates in India, is already abolished so far as we had any object to abolish it. *Stat nominis umbra.* She cannot "occupy" to protect these Indians; that is, she cannot either "take or keep possession" to effect that object. She cannot "colonize" with a view to such an object; she cannot "fortify" to do it; she cannot "assume" or exercise any dominion whatsoever with a view to do it. What more do you want of her? Do you desire that she shall not send food to the half-starved savages? May she not send the Bible among them? Do you wish to prevent that? May she not mediate with the local government within whose limits they exist, to prevent them from being massacred by their hereditary enemies? May she not ask those Governments, without offense to you, to act by them as we have done by all Indians within our borders, and extinguish the Indian title, which is nothing more than the mere right of occupancy till the white man wants the land and gives them a pittance to support them when deprived of it? President Taylor went as far in abolishing the British protectorate as the dictates of humanity demanded. In no treaty which Great Britain has ever made has she abandoned her allies to the mercy of their enemies. The British settlers in Oregon south of the 49th parallel of latitude were provided for by her in a treaty when she relinquished the country south of that parallel. But, in this treaty of 1850, she reserved to herself no power to protect by arms or force. I understand from undoubted authority, that an offer has been made to Nicaragua in behalf of the Indians, to cede their whole claim; in other words, to extinguish their Indian title, for fifty thousand dollars—a sum much less than we have been accustomed to give in our Indian treaties for the cession of far less territory. The adjustment of the boundary between Costa Rica and Nicaragua is a more difficult matter.

Mr. President, I have now considered the principal topics upon which I desired to address the Senate, to vindicate the policy of the lamented Chief Magistrate under whom I served the public as a negotiator; but there are others to which, after hearing all that can be said in reply, I may wish to speak. I thank the Senate for their indulgence, and have done.

Mr. DOUGLAS. I was unavoidably absent during the early part of the Senator's speech this morning, but I presume I understand that part of it from an intimation given yesterday at the conclusion of his remarks at that time. I desire to reply to so much of the Senator's speech only as relates to some topics of discussion introduced by myself some two or three weeks ago. I shall not enter into the question that he has made between the Committee on Foreign Relations and himself with regard to the report, I having been unavoidably absent and thus prevented from concurring in the report of the committee, or even reading it. I do not desire to enter into any controversy with regard to what has grown up relating to British Honduras. I only desire to confine myself to the points at issue in my own speech to which the Senator has alluded. I therefore move to postpone the further consideration of the subject until to-morrow.

The motion was agreed to.

JAMES H. WEST.

Mr. JAMES presented resolutions passed by the Legislature of Rhode Island in regard to the imprisonment in Cuba of James H. West, a citizen of Rhode Island; which were read, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. MASON. My honorable friend from Rhode Island did me the honor of communicating that memorial to me before he presented it to the Senate; and at his suggestion, I thought it was proper that I should offer a resolution on the subject. I have not had an opportunity of submitting it to the Committee on Foreign Relations, and I will now submit it on my own part, calling upon the Executive for information with respect to the matter. The resolution is as follows:

Resolved, That the President of the United States be requested (if in his opinion not incompatible with the public interest) to communicate to the Senate copies of any correspondence relating to the imprisonment or detention in custody of James H. West, a citizen of the United States, at Sagua le Grande, in the Island of Cuba, and of the seizure of his property by the authorities of said island, together with all information connected therewith.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

THURSDAY, *March* 10, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. COOPER. I submit the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, required to communicate to the Senate the contract entered into with Messrs. Howland & Aspinwall for supplying the Japan squadron with coal, the price per ton which the said coal will cost delivered in the Chinese seas, the amount of commissions and insurance, respectively, together with the rate of exchange which the Government will be required to pay for such of the coal as may be purchased in England.

That the Secretary be also required to inform the Senate whether offers were made by other parties than Messrs. Howland & Aspinwall to supply the above-named squadron with coal, by delivering the same at such places as might be designated in the Chinese seas; the prices per ton at which these parties proposed to deliver it, stating particularly the rates at which anthracite, American bituminous, and English bituminous were respectively offered; and whether, after these offers had been made, a contract at higher prices was not entered into with Messrs. Howland & Aspinwall for English coal.

That the Secretary be further required to inform the Senate whether, previous to the time of contracting for the supply of the said squadron with coal, the Government had not regularly-authorized agents employed for the express purpose of purchasing and inspecting all coal necessary for the supply of the Navy, and what commission the said agents received by way of compensation for their services. That he be required further to inform the Senate whether Messrs. Howland & Aspinwall were not appointed agents to purchase and inspect the whole, or a great part of the coal necessary for the supply of the Japan squadron; whether the commissions allowed them are not double the amount of those allowed and paid to the regular purchasing and inspecting agents; whether the said commissions are not counted on the gross price of the coal, namely: on the price, with freight, exchange, and insurance added. That he be required also to inform the Senate what quantity of coal it is estimated will be required for the supply of the said squadron annually, and what kind principally will be used; what amount of demurrage has been paid, and for what quantity of coal, for what length of time, and to whom; also, what rate of demurrage is to be paid hereafter.

Mr. President, the object of the resolution which has been proposed is to ascertain, if practicable, something in relation to the supply of fuel for the squadron which has been ordered into the Chinese seas for the purpose of opening commercial and other relations with the Japanese empire. It is known, Mr. President, to the Senate that the Government some time ago appointed two agents for the purpose of purchasing and supplying coal for the use of the Navy; one of these agents being appointed for the purpose of purchasing and inspecting anthracite, and the other for the purpose of purchasing and inspecting bituminous coal. It is their duty, by virtue of their office, to supply and inspect the coal, not only for the Navy proper, but likewise all that is used in the dock-yards and shops belonging to the Government; and as a compensation for their services they have received a commission of five per cent. on the amount furnished. When the squadron was about to sail, or rather previous to the period of its sailing, these agents offered to supply coal upon certain terms; that is, they offered to supply both anthracite and bituminous, and to deliver it at such ports as should be indicated in the Chinese seas, at a price not exceeding fifteen dollars per ton. I think the offer was to supply anthracite at $14 50 per ton, and Cumberland bituminous at $14 90 per ton. At any rate, neither the one nor the other was to exceed fifteen dollars per ton, with a commission of five per cent. added.

It seems, however, that neither of these offers was accepted, and that Messrs. Howland and Aspinwall were appointed inspectors and authorized to purchase the coal for the supply of the squadron. They purchased a few thousand tons of American anthracite and bituminous coal; but have relied mainly upon English coal for the supply of the squadron; and they have purchased it, as I am informed, at a much higher price than either the American anthracite or bituminous were offered for, although the latter are greatly superior, according to tests made on various occasions, and in various ways. I have been informed, and I have no doubt of the fact, that the coal, delivered in the Chinese seas, will cost a fourth more; that is, the English coal which these parties are to deliver will cost one fourth more than American coal which is so much superior in character. And instead of a commission of five per cent. which has been allowed to the regularly-authorized agents of the Government, Howland & Aspinwall are to receive ten per cent. They also pay ten-and-a-half per cent. by way of exchange upon all the coal that they purchase abroad.

Now, if this be so, it is a wrong committed against important domestic interests, and my object is to ascertain the facts. I have been informed that during the period which it is anticipated the squadron will remain upon that station, or rather in those seas, some eighty or a hundred thousand tons of coal will be required for its consumption. These men receive ten per cent. commission; and if the price should be $20 per ton they will receive by

way of commissions $160,000; and the Government will have to pay besides, by way of exchange, more than $160,000. This is benefiting foreigners at the expense of our own citizens, who, as I am informed, offered to supply the Government at $15 per ton, delivered where the article was needed. I do not intend, in what I have said, to reflect upon the Secretary of the Navy at all. The late Secretary of the Navy, as I understand, had nothing to do with it. Nor had his predecessor in office. I wish to be understood here, and that I do not intend to reflect upon either of those officers in the slightest degree. I believe both of them are men of the purest integrity, and eminently qualified for the discharge of the duties of their high position. I understand these contracts are made by the Bureau of Construction and Supply, at the instance of the commander of the squadron, who probably preferred English to American coal. All I desire is the facts, and for that purpose I have offered the resolution; and I hope, as it is a matter of inquiry merely, that it may be considered now.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEE ON INDIAN AFFAIRS.

Mr. SEBASTIAN. I submit the following resolution, and ask for its consideration now:

Resolved, That all business heretofore referred to the Committee on Indian Affairs and not reported on, or otherwise definitively disposed of, be again referred to said committee, with like power and authority possessed by them at the late session.

Mr. MASON. I submit to the Senator from Arkansas that the Senate at this session is not competent to enter upon any business of a legislative character, which, of course, requires the concurrence of the House of Representatives. The scope of the resolution would appear to confer on the committee the same powers which it had during the late session. If there are any special matters which should be referred to the committee, and which would not require the concurrence of the House, I have no objection to it.

Mr. SEBASTIAN. I am aware of the fact suggested by the Senator. This resolution is to extend to the committee the powers in reference to special subjects which it had during the late session. I allude particularly to the matter of the inquiry into the conduct of the Superintendent of Indian Affairs in Minnesota.

The PRESIDENT. The Chair would suggest to the Senator to modify his resolution so as to make it refer to that subject.

Mr. WELLER. There is another committee which I should like to have continued with the same powers that it had at the late session. I allude to the Committee in relation to the Mexican Boundary Commission. It has been unable to report; and for the purpose of giving it an opportunity to report, I should like to have that resolution so modified as to include it.

The PRESIDENT. The Senator from California can move to amend the resolution.

Mr. WELLER. After it is disposed of, I can offer one providing for the committee to which I allude.

Mr. SEBASTIAN. I will modify the resolution by inserting in it after "Committee on Indian Affairs," the words "and pertaining to the business of the Executive session."

The PRESIDENT. The Chair will suggest to the Senator that it had better be offered in Executive session.

Mr. SEBASTIAN. The object of the resolution is to continue the duties of the committee in reference to the investigation of the charges against the Superintendent of Indian Affairs in Minnesota; and that was brought before us in open session.

The resolution was then adopted.

INDIAN ANNUITIES.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish a statement of the amounts paid as annuities under the different treaties with the Choctaw tribe of Indians, specifying the amount and date of each payment, and including the interest on investments under the treaty of 1837; together with a statement in detail of the expenditures under the various treaty provisions for education.

COMMITTEE ON CLAIMS.

Mr. BRODHEAD. I submit the following resolution:

Resolved, That the clerk to the Committee on Claims be continued as heretofore, until otherwise ordered by the Senate, to be employed in completing and keeping up the index and digest of the reports of the committee authorized by the resolution of March, 1851, and in such other duties as the committee may require.

I presume there can be no objection to the resolution. In 1850, the Senate, on the motion of the Senator from New Hampshire, adopted a resolution continuing this clerk for the purpose of making a classified index of the proceedings of the Senate on claims. The index will be completed by the meeting of the next Congress. I understand it is about three fourths done. The Committee on Claims has unanimously instructed me to submit this resolution to the Senate, and ask for its consideration now.

The resolution was considered by unanimous consent, and agreed to.

DEBATES IN THE SENATE.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate have published in the Daily National Intelligencer, the full debates and proceedings of the Senate for the late legislative session, and pay the same compensation therefor as is allowed to the Union and Globe, and *pro rata* for what has been reported and published in the Intelligencer during the present Congress.

CAPTAIN MARCY'S REPORT.

Mr. CHASE submitted the following resolution for consideration; which was referred to the Committee on Printing:

Resolved, That two thousand additional copies of the report of Captain R. B. Marcy, of his exploration of the waters of the Red river, ordered to be printed by the resolution of the Senate of the 4th of February last, be printed for the use of the Senate; two hundred copies of which to be furnished to Captain Marcy; and that two hundred copies of the report of Captain Sitgreaves, ordered to be printed for the use of the Senate, be furnished to Captain Sitgreaves.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolutions submitted on Monday by Mr. CLAYTON.

Mr. DOUGLAS. I have nothing to do with the controversy which has arisen between the Senator from Delaware [Mr. CLAYTON] and my venerable friend from Michigan, [Mr. CASS,] who is now absent in consequence of the severe illness of one nearest and dearest to him. We all know enough of that Senator to be assured that when he shall be in his place, he will be prompt to respond to any calls that may be made upon him. Neither have I anything to do with the dispute which has grown up among Senators in respect to the boundary of Central America, and the position of the British settlement at the Balize. I leave that in the hands of those who have made themselves parties to the controversy. Nor shall I become a party to the discussion upon the issue between the Senator from Delaware and the chairman of the Committee on Foreign Relations, in their report on that question. Not having been present when the committee made their report, and not yet having had the opportunity of reading it, I leave the chairman of the committee to vindicate his positions, as I doubt not he will prove himself abundantly able to do. I have, therefore, only to ask the attention of the Senate to such points as the Senator from Delaware has chosen to make against a speech delivered by me a few weeks ago in this Chamber.

The Senator seems to complain that I should have questioned the propriety of withholding from the consideration of the Senate what is known as the Hise treaty, and the substitution of the Clayton and Bulwer treaty in its place. Those two treaties presented a distinct issue of great public concern to the country; and it was a difference of opinion between him and me as to which system of policy should prevail. I advocated that system which would secure to the United States the sole and exclusive privilege of controlling the communication between the two oceans. He substituted that other policy which opened the privilege to a partnership between the United States and Great Britain. The Senator has assigned various reasons for withholding the Hise treaty from the consideration of the Senate. The first is, that it was concluded by Mr. Hise without the authority of this Government. That may be true, but it is the first time I have ever heard it urged as a valid reason for withholding from the consideration of the Senate a treaty the objects and provisions of which were desirable. The treaty with New Granada, which he so warmly commends in his speech, was made by Mr. Bidlack without authority. President Polk stated this fact in his message communicating the treaty to the Senate, and the Senator from Delaware has read that message and incorporated it into his speech. He therefore knew that fact when he gave as a reason for withholding the Hise treaty, that it was made without authority.

The treaty of peace with Mexico, to the provisions of which the Senator has also referred on another point, was entered into by Mr. Trist, not only without authority, but in bold defiance of the instructions of our Government to the contrary. The administration of President Polk did not feel at liberty to withhold these two treaties from the Senate, merely because they were made without authority or in defiance of instructions, for the reason that the objects intended to be accomplished by the treaty were desirable, and the provisions could be so modified by the Senate as to make the details conform to the objects in view. It may not be amiss for me to remind the Senator from Delaware, that he was a member of the Senate at the time the Mexican treaty was submitted for ratification, and that he voted for it, notwithstanding it was concluded in opposition to the instructions of our Government. If, therefore, the Senator has any respect for the practice of the Government heretofore, or for his own votes recorded upon the very point in controversy, he is not at liberty to object to the treaty upon the ground that it was concluded by our diplomatic agent without authority.

I understand the rule to be this: whenever the treaty is made in pursuance of instructions, the Executive is under an implied obligation to submit it to the Senate for ratification. But if it be entered into without authority, or in violation of instructions, the Administration are at liberty to reject it unconditionally, or to send it to the Senate for advice, amendment, ratification, or rejection, according to their judgment of its merits. Whether the Hise treaty was perfect in all its provisions, or contained obnoxious features, is not the question. It furnished conclusive evidence that the Government of Nicaragua was willing and anxious to confer upon the United States the exclusive and perpetual privilege of controlling the canal between the Atlantic and Pacific oceans, instead of a partnership between us and the European Powers. The Senator from Delaware (then Secretary of State) had the opportunity of securing to his own country that inestimable privilege, either by submitting the Hise treaty to the Senate, with the recommendation that it be so modified as to obviate all the objections which he deemed to exist to some of its provisions, or by making a new treaty which should embrace the principle of an exclusive and perpetual privilege without any of the obnoxious provisions. He did not do either. He suppressed the treaty—refused to accept of an exclusive privilege to his own country—and caused a new treaty to be made, which should lay the foundation of a partnership between the United States and Great Britain and the other European Powers.

The next reason assigned for withholding the Hise treaty from the Senate is, that it has not been approved by Nicaragua. It is true that Nicaragua did not ratify that treaty; but why did she fail to do so? I showed conclusively in the speech to which the Senator was replying that the non-approval was in consequence of his instructions, as Secretary of State, to Mr. Squier, our chargé d'affaires to Nicaragua. It required the whole influence of the representative of our Government in that country to prevent the ratification and approval of the Hise treaty by the State of Nicaragua. Sir, it is not a satisfactory reason for suppressing the treaty, therefore, that it had not been ratified by the other party, when the non-ratification was produced by the action of the agent of this Government in pursuance of instructions.

Mr. CLAYTON. I desire distinctly to understand the Senator. If I understood him, he said

that Mr. Hise's treaty was rejected in consequence of Mr. Squier's interference.

Mr. DOUGLAS. Yes, sir.

Mr. CLAYTON. And then I understand him to say that Mr. Squier did it by instruction.

Mr. DOUGLAS. Yes, sir.

Mr. CLAYTON. Now will the Senator submit the proof to substantiate that assertion? I know of no such instruction.

Mr. DOUGLAS. I will do that with a great deal of pleasure. Mr. Hise was sent to the Central American States by Mr. Polk. He negotiated a treaty with the State of Nicaragua—the treaty in question—on the 21st of June, 1849. Prior to that time he had been recalled, and Mr. Squier had been appointed by the Administration which succeeded that of President Polk. Mr. Hise had received no knowledge of his removal; no instructions from the new Administration at the time when he made the treaty. In the instructions which the Secretary of State gave to Mr. Squier on the 2d of May, 1849, when he was about to proceed to Central America to supersede Mr. Hise, you will find that he was directed to "claim no peculiar privilege; no exclusive right; no monopoly of commercial intercourse" for the United States. I will read from the letter of instructions:

"We should naturally be proud of such an achievement as an American work; but if European aid be necessary to accomplish it, why should we repudiate it, *seeing that our object is as honest as it is openly avowed*, TO CLAIM NO PECULIAR PRIVILEGE; NO EXCLUSIVE RIGHT; NO MONOPOLY OF COMMERCIAL INTERCOURSE, but to see that the work is dedicated to the benefit of mankind, to be used by all on the same terms with us, and consecrated to the enjoyment and diffusion of the unnumbered and inestimable blessings which must flow from it to all the civilized world?"

Then, sir, after having instructed Mr. Squier as to the character of the treaty which he was to form—a treaty which was to open the canal to the world—a treaty which was to give us no peculiar privilege, and secure to us no exclusive right,—after giving that instruction, the Secretary in the concluding paragraph says:

"*If a charter or grant of the right of way shall have been* INCAUTIOUSLY OR INCONSIDERATELY *made before your arrival in that country*, SEEK TO HAVE IT PROPERLY MODIFIED TO ANSWER THE ENDS WE HAVE IN VIEW."

Mr. CLAYTON. Is that the passage?

Mr. DOUGLAS. That and the other together.

Mr. CLAYTON. I endeavored to correct the misapprehension of the honorable Senator yesterday in reference to that. That is not an instruction to the minister to Central America in regard to the treaty made by Mr. Hise, or any other treaty. It is a direction to the minister to Central America to see that any contract which had been made by the local government should be so made as not to be assignable. If the gentleman will read the context, he will see at once that that does not allude to a treaty. It is merely, I say again, an instruction to the minister in that country to look to it, that the capitalists who were about to construct the canal should not speculate upon the work. There is nothing there touching a treaty; nothing whatever. The gentleman is entirely mistaken. The whole instruction is in reference to the character of the contract or charter.

Mr. DOUGLAS. I will read the preceding sentence, and we will see then who is mistaken:

"If they do not agree to GRANT US PASSAGE on reasonable and proper terms, refuse our protection and our countenance to procure the contract from Nicaragua"——

Mr. CLAYTON. If the gentleman will look at the context which goes before, he will see that the word "they" refers to the capitalists.

Mr. DOUGLAS. I will read what goes before:

"See that it is not assignable to others; *that no exclusive privileges are granted to* ANY NATION that will not agree to the same treaty stipulations with Nicaragua; that the tolls to be demanded by the owners are not unreasonable or oppressive; that no power be reserved to the proprietors of the canal or their successors to extort at any time hereafter, or unjustly to obstruct or embarrass the right of passage. This will require all your vigilance and skill. If they do not agree to grant us passage on reasonable and proper terms, refuse our protection and our countenance to procure the contract from Nicaragua. If a charter or grant of the right of way shall have been incautiously or inconsiderately made before your arrival in that country, seek to have it properly modified to answer the ends we have in view."

Mr. CLAYTON. The honorable Senator will observe that that does not refer to a treaty. The grant of the right of way was a different thing. It was a contract between the local government and the capitalists. Not a treaty at all.

Mr. DOUGLAS. The Senator's explanation is doubtless satisfactory to himself. He may imagine that it will suit his present purposes to place upon his instructions the construction for which he now contends; but it is wholly unwarranted by the language he employed. His instructions speak of securing the right of way to "us." To whom did he allude in the word "us?" Did he refer to the capitalists, proprietors, and speculators, who should become the owners of the charter? Was he one of the company, and therefore authorized to use the word "us," when speaking of the rights and privileges to be acquired of a foreign nation through his agency as Secretary of State? I have supposed that Mr. Squier was sent to Central America to represent the United States and to protect our rights and interests as a nation. I have always done the Senator from Delaware the justice to believe that when he gave those instructions to Mr. Squier he was acting on behalf of his country to secure the right of way for a canal to the UNITED STATES, and not to a few capitalists and speculators under the title of "us." For the honor of our country I will still do him that justice, notwithstanding his disclaimer. His instructions also speak of the right of way to "nations," and caution Mr. Squier to see "*that no exclusive privileges are granted to any nation*," &c.

It is plain, therefore, that in the instructions relative to the securing the right of way for a canal to the nations of the earth, Mr. Squier was directed to see that no exclusive privilege was granted to any other nation, and not to claim any peculiar advantages for our own. Then follows the concluding paragraph which has been read:

"If a charter or grant of the right of way shall have been incautiously or inconsiderately made before your arrival in the country, *seek to have it properly modified to answer the ends we have in view.*"

Modified how? If before the arrival of Mr. Squier in the country, Mr. Hise shall have acquired a charter or grant which shall secure peculiar privileges or exclusive rights for this country, he was to seek to have it so modified as to open the same rights and privileges to all other nations on equal terms. This is what I understand to be the meaning of those instructions, and it is clear that Mr. Squier understood them in the same way, for when Mr. Squier arrived in Nicaragua, and discovered by a statement in a newspaper of the Isthmus that Mr. Hise was about making a treaty for a canal, without knowing what its terms were, without waiting to ascertain its provisions, he sent at once a notice to the Government of Nicaragua, that Mr. Hise was not authorized to treat—that he did not understand the policy and views of the new Administration—that he had been recalled, and that any treaty he might make must be considered and treated as an unofficial act. He communicated this protest to the Secretary of State on the same day, and then proceeded to his point of destination, where he made a treaty for the right of way for a canal to all nations on the partnership plan in pursuance of his instructions. These two treaties—the Hise treaty and the Squier treaty—were in the Department of State at the same time—the one having arrived about the middle of September, and the other about the first of October. It then became the duty of the Senator from Delaware, as Secretary of State, to decide between them: in other words, to determine whether he would accept of an exclusive privilege to his own country, or enter into partnership with the monarchies of Europe. He did determine that question, and his decision was in favor of the partnership, and against his own country having the exclusive control of the canal.

Then, sir, I think I was authorized to say what I did say, that the non-ratification of the Hise treaty by the Government of Nicaragua was procured by the agent of General Taylor's administration in that country, and that the agent acted under the authority of this Government. He certainly acted in obedience to what he understood to be his instruction, and that is, the instruction, that if such a charter had been incautiously granted to seek to have it modified to conform to the ends had in view, as stated in the instruction.

Mr. CLAYTON. Will the Senator allow me to interrupt him? It is not a very material point, still it is better to have it right than wrong. If the Senator will only read the last paragraph, he will see that the charter or grant of the right of way which Mr. Squier was instructed to see was not incautiously made, was a very different thing, indeed, from the treaty; and he will see that that is the thing which I directed the minister to look to, as I stated, and endeavored to be understood yesterday, and as I was anxious to be understood by the gentleman on this point—what I instructed the minister to look to was that the contract of these capitalists should not be such as would enable them to extort from persons using the canal. The last sentence of the instruction applies, if he will look at it, exclusively to the case of the contract, and not to that of the treaty.

One remark more: How is it possible for the gentleman to reconcile the fact, that the State Department could know or imagine that Mr. Hise had made a treaty on the 2d of May, 1850, when those instructions were given, when, in point of fact, Mr. Hise was not heard from until June afterwards? How could I imagine any such thing? And again: how could I possibly suppose that Mr. Hise had made a treaty, or was going to make a treaty, when the records of the State Department showed me the instructions given to him by Mr. Buchanan, in which he tells Mr. Hise to make no treaty whatever with Nicaragua? If the gentleman can reconcile these things, I should be happy to hear him.

Mr. DOUGLAS. I will have less difficulty in reconciling these things with my views of his instructions than he will with his construction of them. I have already shown that the instructions related to the right of way to nations and not to individuals; that they were in favor of equal rights to all nations, and opposed to any peculiar privileges to our own country. Is it not as reasonable to suppose that the instructions meant what they said, as it is to conceive that our minister was directed to procure the modification of contracts previously entered into with individuals, and for the observance of which Nicaragua was supposed to have pledged her faith as a nation? Was our minister sent there to represent individuals in their schemes of procuring charters and contracts on private account, or to interfere with and prevent the faithful observance of such contracts as that Government might previously have made with our own citizens or others? While this supposition might extricate the Senator from his present difficulty on this point, it would not tend to elevate the character of our diplomacy during his administration of the State Department. I think I do the Senator more justice by the construction I have put upon his conduct than he does by his own explanation.

But, sir, I wish to know whether I understand the Senator now? Does he wish now to be understood as saying that he preferred an exclusive privilege to his own country to a partnership with England?

Mr. CLAYTON. No, sir.

Mr. DOUGLAS. Ah! then as he did not prefer the exclusive privilege to a partnership with the European Powers, does he wish the Senate to understand that he did not mean to convey his true idea in his instructions? If he preferred the partnership to the exclusive privilege, was it not his duty to make known that wish in his instructions? Why should he complain when I show that by his instruction he said precisely what he now avows to be his policy upon that subject? Why, sir, I am defending the consistency of his own opinions, according to his present views, by showing that his instructions embraced what he says now was his true policy—in favor of a partnership with other nations, instead of an exclusive privilege to our own country.

But, sir, whatever may have been his meaning in those instructions, it is undeniable that Mr. Squier understood them as I now do, and acted upon them accordingly. Hence, as I have already remarked, before he arrived upon the theater of his operations, and upon the mere authority of a newspaper paragraph, that Mr. Hise was about making such a treaty, he sent ahead a messenger to inform the Government of Nicaragua that Mr. Hise had no authority to treat upon the subject—that he had been recalled—that he was not informed of the views and purposes of the new Ad-

ministration—and that whatever treaty he made must be regarded and treated as an unofficial act—and requesting that "new negotiations may be entered upon at the seat of Government."

The new negotiations were immediately opened accordingly, and on the 3d of September terminated in a treaty, which was a substitute for that which Mr. Hise had previously made. I do not understand that the Hise treaty was formally rejected or disavowed by the Government of Nicaragua. It was treated as an unofficial act—a mere nullity—upon the authority of Mr. Squier's protest. I again submit the question to the Senate, therefore, whether I am not fully justified in the statement that the non-approval of the Hise treaty by the Government of Nicaragua was in consequence of the action of the agent of this Government in that country, under the instructions of the Senator from Delaware as Secretary of State? I am only surprised that he should attempt to avoid the responsibility of the act, since, when hard pressed in this discussion, he has been driven into the admission that he preferred a partnership with the monarchies of the Old World to an exclusive privilege for his own country. If such were his opinions and preferences, he was bound by every consideration of duty and patriotism to have given the instructions, and produced the result which I have attributed to him. Why not avow that which he now acknowledges to have been his purpose, in obedience to what he conceived to be his duty? I only ask him to assume the responsibility and consequences of his own conduct, and then to assign such reasons as he may be able in justification.

The next reason which he gives for suppressing the Hise treaty is totally inconsistent with the first. He alleges that the clause guaranteeing the independence of Nicaragua was wholly inadmissible, and could never receive his sanction. In a report which was communicated to the House of Representatives in 1850, he assigned the same reason, and stated that such a guarantee was a departure from our uniform policy, and had no precedent in our history except in the one case of the French colonies in America.

Of course courtesy requires me to acknowledge that the Senator really believes that this was one of the reasons which induced him to withhold the Hise treaty from the Senate. I must be permitted, however, to inform him that he is entirely mistaken; that the clause in question did not constitute an objection in his mind at that time; that it is an afterthought which he has since seized hold of to justify an act which he had previously performed upon totally different grounds. The evidence of these facts will be found recorded in a dispatch written by the Senator from Delaware, as Secretary of State, on the 20th of October, 1849, to Mr. Lawrence, our Minister to England. The document containing this dispatch was printed and laid upon our tables a few days since, and is entitled Senate Ex. Doc. No. 27. It will be remembered, that the Hise treaty was communicated to the Department of State on the 15th of September, and the Squier treaty about the first of October of the same year. On the 20th of October, Mr. Clayton (in the dispatch to which I refer) discussed our relations with the Central American States at great length—among other things communicated to Mr. Lawrence the substance of these two treaties—and directed him to make the same known to Lord Palmerston:

"If, however, the British Government shall reject these overtures on our part, and shall refuse to coöperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid, and despite her opposition or hostility. With a view to this alternative, we have a treaty with the State of Nicaragua, a copy of which has been sent to you, and the stipulations of which you should unreservedly impart to Lord Palmerston. You will inform him, however, that this treaty was concluded without a power or instruction from this Government; that the President had no knowledge of its existence, or of the intention to form it, until it was presented to him by Mr. Hise, our late chargé d'affaires to Guatemala, about the 1st of September last; *and that, consequently, we are not bound to ratify it, and will take no step for that purpose, if we can, by arrangements with the British Government, place our interests upon a just and satisfactory foundation.* But, if our effort for this end should be abortive, the President will not hesitate to submit this or some other treaty which may be concluded by the present chargé d'affaires to Guatemala, to the Senate of the United States for their advice and consent, with a view to its ratification; and, if that enlightened body should approve it, he also will give it his hearty sanction, and will exert all his constitutional power to execute its provisions in good faith—a determination in which he may confidently count upon the good will of the people of the United States."

Here we find the true reason assigned for withholding the Hise treaty from the Senate. It was to induce Great Britain to enter into partnership with us. Lord Palmerston is informed that if Great Britain refuses our offer of a partnership, that "we shall deem ourselves justified in protecting our interests independently of her aid, and in despite of her opposition or hostility," and that "with a view to this alternative," we held the Hise treaty in reserve, to be submitted to the Senate for ratification or not, dependent upon the decision of Great Britain in relation to the partnership. This is the only reason assigned for withholding the treaty from the Senate. The pretext that it was made without authority is expressly negatived by the threat to accept the exclusive privilege, in the event that England refuses to enter into the partnership. Not a word of objection that it guarantees the independence of Nicaragua! But the testimony does not stop here. This same dispatch furnishes affirmative evidence—conclusive and undeniable—that the "guarantee" constituted no portion of his objection to the Hise treaty—was not deemed objectionable by him at that time—but, on the contrary, was looked upon with favor, and actually proposed by Mr. Clayton himself as a desirable provision which might be incorporated into a treaty for the protection of the canal! I read from the same dispatch:

"YOU MAY SUGGEST, FOR INSTANCE, THAT THE UNITED STATES AND GREAT BRITAIN SHOULD ENTER INTO A TREATY GUARANTEEING THE INDEPENDENCE OF NICARAGUA, Honduras, and Costa Rica, which treaty may also guarantee to British subjects the privileges acquired in those States by the treaties between Great Britain and Spain, provided that the limits of those States on the east be acknowledged to be the Caribbean Sea."

Now, sir, let me ask the Senator from Delaware what becomes of his pretext that he deemed the guarantee of the independence of Nicaragua an insuperable objection to the Hise treaty? Have I not proven by his own dispatches, written at the time, that such an idea could never have entered his brain when he determined to withhold the treaty from the Senate?—that it was an afterthought upon which he has since seized as an excuse for an act which had been previously done with a view to another object, and for different reasons?

I will now proceed to consider the fourth objection made by the Senator to the Hise treaty. He goes on to criticise its various provisions, denounces them as ridiculous, as absurd, as unconstitutional, and he puts the question with an air of triumph whether there was a man in this body who would have voted for all the provisions of that treaty. Sir, I have no fancy for that species of special pleading which attempts to avoid the real issue by a criticism upon mere details which are subject to modification at pleasure. Does not the Senator know that when a treaty is made, the objects of which are desirable, while the details are inadmissible, the practice has been to send it to the Senate, that the object may be secured and the details so modified as to conform to the ends in view? Whoever supposed before that a treaty, desirable in its leading features, was to be rejected by the Department, merely because there was an obnoxious provision in it. I could turn upon the Senator with an air of as much triumph, if I had practiced it as well, and ask him if there was a man in this body who would have voted for the Mexican treaty of peace as it was sent to us by the Executive? Do we not all know that the treaty which was ratified by about four fifths of the Senate came to us in a shape in which it could not receive one solitary vote upon either side of the Chamber? Do we not know that Mr. Polk in his message communicating the treaty intimated that fact, and called the attention of the Senate to the obnoxious provisions? While it contained provisions which would exclude the President from the possibility of ever ratifying it, which would have prevented every Senator from giving his sanction to it, yet inasmuch as the main objects of the treaty met the approval of the President, and it was only matters of detail that were obnoxious and inadmissible, he sent it to the Senate that its details might be made to harmonize with its objects. Sir, the vote to strike out the obnoxious features in the treaty was unanimous. Not one man in the body, not even the Senator from Delaware, dared to affirm those clauses or vote to keep them in the treaty. Having perfected it so as to suit the views of about four fifths of the Senate, it was ratified with the vote of the Senator recorded in the affirmative, according to my recollection.

If, therefore, the Senator from Delaware had followed the practice which he sanctioned by his own vote in the case of the Mexican treaty, he would have sent the Hise treaty to the Senate for amendment and ratification, even if the details had been obnoxious to all the objections he now urges to them. For this reason I do not deem it necessary to occupy the time of the Senate in reply to his objections relative to making a canal outside the limits of the United States, or the creation of a company either by Congress or the President for that purpose. I care not whether these provisions were admissible or inadmissible. It is not material to the argument. It can have no bearing upon the question. The Hise treaty was evidence of one great fact, which should never be forgotten, and that fact is that Nicaragua was willing and anxious to grant to the United States forever the exclusive right and control over a ship canal between the two oceans. The Secretary of State [Mr. CLAYTON] knew that fact. If the details were not acceptable to him, he could have availed himself of the main provision and made the details to suit himself; I confine myself, therefore, to the great point, that you might have had the exclusive privilege if you had desired it. You refused it with your eyes open, and took a partnership in lieu of it. All about the details is a matter of moonshine. You could have modified them to suit yourself before sending the treaty to the Senate, or you could have followed the example of Mr. Polk, in the case of the Mexican treaty, and sent it to the Senate with the recommendation that the details be thus modified.

All this talk about obnoxious features and objectionable provisions—about guarantees of independence and want of authority to make the treaty—must be regarded as miserable attempts to avoid the main point at issue. Why this pitiful equivocation, if the Senator was really in favor of the European partnership in preference to the exclusive privilege for the United States, as all his acts prove—the whole tenor of his correspondence clearly and conclusively prove—was the case? If he thinks his policy was right, why not frankly avow the truth, and justify upon the merits? I am not to be diverted from my purpose by his assaults upon the administration of President Polk, nor by his array of great names in opposition to the views I entertain. History will do justice to Mr. Polk and Mr. Buchanan upon this as well as all other questions connected with their administration of the Government. In the speech to which the Senator professed to reply, I did not make an allusion to party politics. I do not think the term Whig or Democrat can be found in the whole speech. I am sure that it does not contain a partisan reference to the state of political parties in the country during the period to which my remarks applied. I attempted to discuss the question upon its merits, independent of the fact whether my views might come in conflict with those professed by either of the great parties, or entertained by the great men of our country at some former period. I should have been better satisfied if the Senator had pursued the same course, instead of calling upon Jackson, Polk, and Buchanan, and sheltering himself behind their great names, while attempting to detract from their fame by representing them as having sacrificed the interests and honor of their country.

Mr. CLAYTON. I deny it. There was not one word in my speech which went to arraign Mr. Polk or General Jackson, or any body. There was nothing like a party spirit in the speech. If the gentleman so understood me, he entirely misunderstood me. I stated the fact that Mr. Polk and Mr. Buchanan had been applied to by the local government of Nicaragua for the intervention of this Government to protect it from the aggressions of the British. I stated, and proved the fact, that the Monroe doctrine had never been carried out—that Mr. Polk on that occasion had declined to interfere; but I disclaimed entirely assailing him, and

endeavored to reconcile his whole course of conduct as being consistent with what he stated in the House of Representatives on the Panama mission.

Mr. DOUGLAS. I accept the explanation. It is perfectly satisfactory, but I am very unfortunate in apprehending the meaning of language. He said that Mr. Polk had avowed himself in favor of asserting the Monroe doctrine. He then said that Mr. Polk had abandoned and refused to carry it out when this question arose. He said the President of Nicaragua, to use his own language, "poked that declaration into Mr. Polk's own teeth."

Mr. CLAYTON. I used no such word.

Mr. DOUGLAS. At least, that he thrust it into his teeth.

Mr. CLAYTON. I did not.

Mr. DOUGLAS. Well, never mind about the precise word. At all events, he went on to show that Mr. Polk was pledged to the Monroe doctrine, that he failed to carry it out, that no Administration ever carried it out, that it had been abandoned whenever a question arose which gave an opportunity for carrying it into effect. When he chose to put Mr. Polk into the position of making declarations and violating them, making protests and abandoning them, making threats and never executing them, I very naturally supposed, according to the notion of a western man, that he was attacking him. [Laughter.]

Mr. CLAYTON. I endeavored to show that Mr. Polk had made his recommendation to the Congress of the United States that he was perfectly justifiable in not considering that as the established doctrine of the country, because the Congress of the United States had never adopted it. On that principle I endeavored to reconcile the course of Mr. Polk with itself. The gentleman has undertaken to represent me as assailing Mr. Polk, when if he had paid attention to what I said—unfortunately he was out during the greater portion of the time I was discussing the subject—he would have seen that I was endeavoring to prove that the course of that President of the United States, in this particular, was not liable to the exception which is taken to it; that he was not bound by the declaration of the Monroe doctrine unless Congress adopted it, because he was not the Government.

Mr. DOUGLAS. Of course I accept the explanation of the Senator with a great deal of pleasure, and I am gratified to know that I misapprehended him; but it really did appear to me that I was justified in putting that construction upon what he said, inasmuch as he went on to show that when he came into the State Department, he found Great Britain with her protectorate over the Mosquito coast, and spreading over more than half of Central America; that during Mr. Polk's administration, and while he was negotiating the treaty of peace with Mexico, Great Britain seized the town of San Juan, at the mouth of the proposed canal, and that Mr. Polk and Mr. Buchanan remained silent, without even a protest against this unjustifiable aggression; and when he denounced that seizure as an act originating in hostility to this country, to cut off communication with our Pacific possessions; and when he said that it would have been wiser to have closed the door and shut out the British lion, than to allow him to enter unresisted, and then attempt to expel him; and when he boasted of having expelled the British lion after Mr. Polk and Mr. Buchanan had permitted him to enter the house in contempt of their declaration of the Monroe doctrine, I really thought that he was attempting to censure Mr. Polk for letting the lion come in; but it seems I was mistaken. He did not mean that, and not meaning it, upon my word I do not know what he did mean by it. [Laughter.]

When I heard all this, and much more of the same tenor, it occurred to me that it amounted to a pretty good arraignment of Mr. Polk and his Administration; and that his object was to glorify himself and General Taylor, at the expense of Mr. Buchanan and Mr. Polk, by accusing the latter of having tamely submitted to British aggressions of great enormity, which the former promptly rebuked by expelling the British from Central America. Let me ask him the question—did the Clayton and Bulwer treaty expel the British from Central America? Has England abandoned her protectorate? What power has she surrendered? What functionary has she recalled? What portion of the country—what inch of territory has she given up? Will the Senator from Delaware inform me what England has abandoned in pursuance or by virtue of the Clayton and Bulwer treaty? I can show him where she has extended her possessions since the date of that treaty, and in contempt of its stipulations. I can point him to the seizure of the Bay Islands and the erection of them into a colony; to the extension of her jurisdiction in the vicinity of the Balize; to her invasion of the territory of Honduras on the main land; and to the continuance of her protectorate over the Mosquito coast. I can point him to a series of acts designed by Great Britain to increase her power and extend her possessions in that quarter. Will he point me to any one act by which she has reduced her power or curtailed her possessions? He boasts of having expelled the British from Central America. Will he have the kindness to inform the Senate how, when, and where this has been effected? Where is the evidence to sustain this declaration? I called for information on this point in my speech the other day. The Senator replied to all other parts of that speech in detail and at great length. Of course, want of time was the reason for his omission to respond to these pertinent inquiries.

Mr. CLAYTON. No, sir; I replied to it, but the Senator was out of his seat.

Mr. DOUGLAS. I was in my seat the most of the time the Senator was speaking on that part of the subject. Now, sir, in regard to this Bay Island colony, I may be permitted to say, although it is by the way of digression from the line of argument which I was marking out for myself, that it presents a clear case not only in derogation of the Monroe doctrine, but in direct violation and contempt of the Clayton and Bulwer treaty. I will do the Senator the justice to say, that the Bay Island colony has not been erected in pursuance of the treaty, but in derogation of its provisions. The question arises, Are we going to submit tamely to the establishment of this new colony? If we acquiesce in it we submit to a double wrong—a contravention of our avowed policy in regard to European colonization on this continent; and secondly, a palpable and open violation of the terms and stipulations of the Clayton and Bulwer treaty. If we tamely submit to this twofold wrong, the less we say henceforth in regard to European colonization on the American continent, the better for our own credit.

Here is a case where we must act if we ever intend to act. I do not wish to make an issue with England about the Balize;—she has been in possession there longer than our nation has existed as an independent Republic. I do not wish to make an issue with her in regard to Jamaica, because she cannot surrender it upon our demand without dishonor, and she is bound to fight if driven to an extremity on that point. I do not want to make an issue with her in reference to any colony she has upon the continent or adjacent to it, where she may be said to have had a long and peaceful possession. Sir, if I was going to make the issue on any one of these points, I would pursue a more manly course by declaring war at once instead of resorting to such an expedient. I would make the issue solely and distinctly on the Bay Island colony, for the reason that there she is clearly in the wrong, the act having been done in violation of her plighted faith. It was done in contempt of our avowed policy. She cannot justify it before the civilized world, and therefore, dare not fight upon such an issue. England will fight us when her honor compels her to do it, and she will fight us for no other cause. We can require Great Britain to discontinue the Bay Island colony, and I call upon the friends of the Clayton-Bulwer treaty, whose provisions are outraged by that act, to join in the demand that that colony be discontinued. Upon that point we are in the right: England is in the wrong; and she cannot, she dare not fight upon it. And, sir, when England backs out of one colony upon our remonstrance, it will be a long time before she will establish another upon this continent without consulting us. And, sir, when England shall have refrained from interfering in the affairs of the American continent without consulting the wishes of this Government, what other Power on earth will be willing to stand forward and do that which England concedes it prudent not to attempt? I may be permitted to say, therefore, that the only issue that I desire to see at this time, upon our foreign relations, as they are now presented to me, is upon the Bay Island colony: and let us require that that be discontinued, and that the terms of our treaty stipulations be obeyed and fulfilled. When that issue shall have been made and decided in our favor, we will not have much need for general resolutions about the Monroe doctrine in future.

But, sir, this was a digression. The point that I was coming at was this: that while it has been a matter of boast for years that the Clayton and Bulwer treaty drove Great Britain out of Central America, she has not surrendered an inch; and what is more, she is now proposing negotiations with us with a view to new arrangements, by which she shall hereafter give up her protectorate. Yes, sir, your late Secretary of State and President, Everett and Fillmore, have communicated to Congress the fact that the British Minister was proposing new negotiations, new arrangements, by which Great Britain shall hereafter give up that which the Senator makes it a matter of pride that he had secured by his treaty. That is a little curious. I do not understand this congratulation of having accomplished a great and wonderful object, by the expelling of the British lion from the place where Mr. Polk allowed him to come and abide, and still a new negotiation or a new arrangement is deemed necessary to secure that which the Senator from Delaware boasts of having accomplished long since!

England professes to be desirous of surrendering her protectorate. Then, why does she not do it? The British Minister proposes to open negotiations by which England shall withdraw her authority from Central America, and the late Secretary of State (Mr. Everett) entertains the proposition favorably, while the Senator from Delaware congratulates the country upon his having effected the desired end in his treaty three years ago.

If Messrs. Everett and Fillmore were correct in entertaining Mr. Crampton's proposition for a new arrangement, certainly the Senator from Delaware is at fault in saying that his treaty expelled the British from Central America. My opinion, as to whether it did expel them or not, is a matter of not much consequence. I have always thought the language of the treaty was so equivocal, that no man could say with certainty, whether it did abolish the protectorate or not. One clause seemed to abolish it; another seemed to recognize its existence, and to restrain its exercise; and you could make as good an argument on one side as the other. But I gave notice at the time the treaty was ratified, that I would take the American side, and stand by the Senator from Delaware in claiming that England was bound to quit; but our late Secretary of State and the President, (Everett and Fillmore,) think otherwise; and now it becomes a question whether new negotiations to accomplish that very desirable object are necessary or not.

Mr. President, I return to the point which I was discussing when the Senator interrupted me, and led me off in this digression, to wit: That the simple question presented in this matter, when stripped of all extraneous circumstances, was this: Should we have accepted when tendered, an exclusive right of way forever from one ocean to the other? The Senator from Delaware thought not, and the administration of General Taylor sustained him in his view of the question. I thought we ought to have embraced the offer which tendered us the exclusive control forever over this great interoceanic canal.

The Senator attempts to sustain his position by quoting the authority of General Jackson and Mr. Polk. Sir, he is unfortunate in his quotation. I do not think that, fairly considered, he has any such authority. I am aware that in 1835 that Senator offered a resolution in this body, which was adopted, recommending a negotiation to open the Isthmus to all nations, and that General Jackson sent out a Colonel Biddle to collect and report information on the subject; but when the resolution was adopted, the question was then presented under circumstances very different from those which existed when the Senator suppressed the Hise treaty. At that time the Central American

States had granted to the Netherlands the privilege of making a canal. Others had already secured the privilege, and in that point of view it was reasonable to suppose that the most we could do was to get an equal privilege with European nations. That was not the case presented when the exclusive privilege was offered to us, and the offer declined by the Senator from Delaware, without consulting the Senate.

But there is no evidence that General Jackson entertained even the opinions attributed to him. Colonel Biddle, who was appointed by General Jackson to explore the routes and collect and report information, availed himself of his official position to obtain from New Granada an exclusive privilege to himself and his associates on private account. When the existence of this private contract came to the knowledge of the Secretary of State, Mr. Forsyth, he reprimanded our chargé at New Granada, for having given any countenance to it. And why? Not because it contained an exclusive privilege to the United States, for it did not give us any privilege. Mr. Biddle had been sent out there to get information to be laid before the Administration. He had no power to negotiate—no authority to open diplomatic relations. He had no power to take any one step in procuring the privilege. He made use of his official position, and, in the opinion of the Administration, abused it, by securing a private grant to himself, without the authority, protection, or sanction of the Government of his own country.

Mr. Forsyth was indignant because his agent had disobeyed his authority, and turned the public employment into a private speculation. That is not the question presented here. That contract did not give the United States the privilege at all. It gave it to Colonel Biddle and his associates. But I find nothing in that transaction, and in all the public documents relating to it, to show that General Jackson would have refused the exclusive privilege to his own country if it had been tendered to him.

How is it, then, with Mr. Polk? According to my recollection of the facts, New Granada had granted the privilege of making a canal to a Frenchman by the name of Du Quesne—I will not be certain of his name—and it was desirable to get permission to carry the mails across there. The grant had gone into the possession of a citizen of a foreign Power, and the most that our Government could ask, was to be put upon an equal footing with that other Power. It did not present the question of the privilege being tendered to us, and we refusing to accept it.

But I shall take no time in going into a vindication of those Administrations. In the remarks that I made the other day, I chose to vindicate my own course without reference to past Administrations or present party associations; and I will pursue the same line of debate now. One word upon the point, made by the Senator, that the Hise treaty was unconstitutional. Was it not constitutional to accept the exclusive privilege to the United States? If it was not, and his constitutional objection is valid, it goes a little too far. If you have no right to accept an exclusive privilege to us under the Constitution, what right had you to take a partnership privilege in company with Great Britain? If you have no right to take the privilege for the benefit of American citizens alone, what right have you to take one for the benefit of Englishmen and Americans jointly? If you have no right to make a treaty by which you will protect an American company in making that canal, what right had you to make a treaty by which you pledged yourselves to protect a British company in making that canal? I choose to put the Senator upon the defensive, and let him demonstrate his right to do this thing jointly with England, and then I will draw from his argument my right to do it for the benefit of America alone. I choose to put him in the position of demonstrating the existence of the constitutional power. He, in his treaty, exercised the power. I have not. And he, having exercised the power, having pledged the faith of the nation to do an act, I have a right to call upon him to show the authority, under the Constitution of the United States, to make a guarantee jointly with England for the benefit of English subjects as well as American citizens; and when he proves the existence of that power he has proved the right of the Government to do the same thing for the benefit of American citizens, omitting England and British subjects.

Sir, as I before said, I have no special fondness for this special pleading about the peculiar provisions of a treaty, when the real point was the extent of the privilege which we should accept. Now, sir, I was in favor of an exclusive privilege, and I will tell you why. I desired to see a canal made; and when made, I desired to see it under the control of a Power enabled to protect it. I desired to see it open to the commerce of the whole world, under a sound and sage protection. How was that to be done, except by an exclusive privilege to ourselves? Then, let us open it to the commerce of the world on such terms and conditions as we should deem wise, just, and politic. Could we not open it to the commerce of the world as well by our volition as England could in conjunction with us? Would it not be as creditable to us as a nation to have acquired it ourselves, and then opened it freely, as to have gone into a partnership by which we should have no control in prescribing the terms upon which it should be opened? And besides, if the grant had been made to us, and we had accepted it, and then thrown it open to the commerce of all nations on our own terms and conditions, we held in our hands a right which would have been ample security for every nation under heaven to keep the peace with the United States. The moment England abused the privilege by seizing any more islands, by establishing any more colonies, by invading any more rights, or by violating any more treaties, we would use our privilege, shut up the canal, and exclude her commerce from the Pacific. We would hold a power in our hands which might be exercised at any moment to preserve peace and prevent injustice. Peace and progress being our aim, we should still have continued to be the only Government on earth whose public policy from the beginning has been justly and honestly to enforce the laws of nations with fidelity towards all the nations on earth. Sir, when you surrendered that exclusive right, you surrendered a great element of power which in our hands would have been wielded in the cause of justice for the benefit of mankind.

I was not for such a restrictive policy as would exclude British vessels from going through the canal, or the vessels of any other nation which should respect our rights. I would let them all pass freely, as long as they did not abuse the privilege; close it against them when they did. I insist that the American people occupy a position on this continent which rendered it natural and proper that we should exercise that power. I had no fear of a war with England. I have none now. War should be avoided as long as possible. But, sir, you need have no apprehension of a war with her, for the reason that if we keep in the right, she dare not fight us, and she will not, especially for anything relating to American affairs. She knows she has given a bond to keep the peace, with a mortgage on all her real estate in America as collateral security, and she knows she forfeits her title to the whole, without hope of redemption, if she commits a breach of the bond. She will not fight unless compelled. We could have fortified that canal at each end, and in time of war could have closed it against our enemies, and opened it at our own pleasure. We had the power of doing it; for the Hise treaty contained provisions for the construction of fortifications at each terminus and at such points along the line of the canal as we thought proper. We had the privilege of fortifying it, and we had the right to close it against any Power which should abuse the privilege which we conferred.

Then, sir, what was the objection to the acceptance of that exclusive privilege? I do not see it, sir. I know what were the private arguments urged in times which have gone by, and which I trust never will return; and that is, that England and other European Powers never would consent that the United States should have an exclusive right to the canal. Well, sir, I do not know that they would have consented; but of one thing I am certain, I would never have asked their consent. When Nicaragua desired to confer the privilege, and when we were willing to accept it, it was purely an American question with which England had no right to interfere. It was an American question about which Europe had no right to be consulted. Are we under any more obligation to consult European Powers about an American question than the allied Powers were, in their Congress, to consult us, when establishing the equilibrium of Europe by the agency of the Holy Alliance? America was not consulted then. Our name does not appear in all the proceedings. It was a European question, about which it was presumed America had nothing to say. This question of a canal in Nicaragua, when negotiations were pending to give it to us, was so much an American question that the English Government was not entitled to be consulted. England not consent! She will consent to allow you to do that just so long as you consent to allow her to hold Canada, the Bermudas, Jamaica, and her other American possessions. I hope the time has arrived when we will not be told any more that Europe will not consent to this, and England will not consent to that. I heard that argument till I got tired of it when we were discussing the resolutions for the annexation of Texas. I heard it again on the Oregon question, and I heard it on the California question. It has been said on every occasion whenever we have had an issue about foreign relations, that England would not consent; yet she has acquiesced in whatever we have had the courage and the justice to do. And why? Because we kept ourselves in the right. England was so situated with her possessions on this continent, that she dare not fight in an unjust cause. We would have been in the right to have accepted the privilege of making this canal, and England would never have dared to provoke a controversy with us. I think the time has come when America should perform her duty according to our own judgment, and our own sense of justice, without regard to what European Powers might say with respect to it. I think this nation is about of age. I think we have a right to judge for ourselves. Let us always do right, and put the consequences behind us.

But, sir, I do not wish to detain the Senate upon this point, or to prolong the discussion. I have a word or two to say in reply to the remarks of the Senator from Delaware upon so much of my speech as related to the pledge in the Clayton and Bulwer treaty, never to annex any portion of that country. I objected to that clause in the treaty, upon the ground that I was unwilling to enter into a treaty stipulation with any European Powers in respect to this continent, that we would not do, in the future, whatever our duty, interest, honor, and safety, might require in the course of events. The Senator infers that I desire to annex Central America because I was unwilling to give a pledge that we never would do it. He reminded me that there was a clause in the treaty with Mexico containing the stipulation, that in certain contingencies we would never annex any portion of Mexico. Sir, it was unnecessary that he should remind me of that provision. He has not forgotten how hard I struggled to get that clause out of the treaty where it was retained in opposition to my vote. Had the Senator given me his aid then to defeat that provision in the Mexican treaty, I would be better satisfied now with his excuse for having inserted a still stronger pledge in his treaty. But having advocated that pledge then, he should not attempt to avoid the responsibility of his own act by citing that as a precedent. I was unwilling to bind ourselves by treaty for all time to come never to annex any more territory. I am content for the present with the territory we have. I do not wish to annex any portion of Mexico now. I did not wish to annex any part of Central America then, nor do I at this time.

But I cannot close my eyes to the history of this country for the last half century. Fifty years ago the question was being debated in this Senate whether it was wise or not to acquire any territory on the west bank of the Mississippi river, and it was then contended that we could never, with safety, extend beyond that river. It was at that time seriously considered whether the Alleghany mountains should not be the barrier beyond which we should never pass. At a subsequent date, after we had acquired Louisiana and Florida, more liberal views began to prevail, and it was thought that perhaps we might venture

to establish one tier of States west of the Mississippi; but in order to prevent the sad calamity of an undue expansion of our territory, the policy was adopted of establishing an Indian Territory, with titles in perpetuity, all along the western border of those States, so that no more new States could possibly be created in that direction. That barrier could not arrest the onward progress of our people. They burst through it, and passed the Rocky Mountains, and were only arrested by the waters of the Pacific. Who, then, is prepared to say that in the progress of events, having met with the barrier of the ocean in our western course, we may not be compelled to turn to the north and to the south for an outlet? How long is it since the gentleman from Delaware himself thought that a time would never arrive when we would want California? I am aware that he was of that opinion at the time we ratified the treaty, and annexed it.

Mr. CLAYTON. How?

Mr. DOUGLAS. By his voting for Mr. Crittenden's resolutions declaring that we did not want any portion of Mexican territory. You will find your vote in this volume which I hold in my hand. I am aware that he belonged to that school of politicians who thought we had territory enough. I have not forgotten that a respectable portion of this body, but a few years ago thought it would be preposterous to bring a country so far distant as California, and so little known, into the Union. But it has been done, and now since California has become a member of the Confederacy, with her immense commerce and inexhaustible resources, we are told that the time will never come when the territory lying half way between our Atlantic and Pacific possessions will be desirable. Central America is too far off, because it is half way to California, and on the main, direct route, on the very route upon which you pay your Senators and Representatives in Congress their mileage in coming to the capital of the nation. The usual route of travel, the public highway, the half-way house from one portion of the country to the other, is so far distant that the man who thinks the time will ever come when we will want it is deemed a madman.

Mr. CLAYTON. Does the Senator apply those sentiments to me? I did not think so.

Mr. DOUGLAS. I simply say that such an opinion was indicated by the vote of the gentleman on the resolution of Mr. Crittenden.

Mr. CLAYTON. The Senator is entirely mistaken on that point.

Mr. DOUGLAS. In order to save time I waive the point as to the Senator's vote, although it is recorded in the volume before me, and he can read it at his leisure. But I am not mistaken in saying that the Senator on yesterday did ridicule the idea that we were ever to want any portion of Central America. He was utterly amazed, and in his amazement inquired where were these boundaries ever to cease? He wanted to know how far we were going, and if we were going to spread over the entire continent. I do not think we will do it in our day, but I am not prepared to prescribe limits to the area over which Democratic principles may safely spread. I know not what our destiny may be. I try to keep up with the spirit of the age, to keep in view the history of the country, see what we have done, whither we are going, and with what velocity we are moving, in order to be prepared for those events which it is not in the power of man to thwart.

You may make as many treaties as you please to fetter the limits of this giant Republic, and she will burst them all from her, and her course will be onward to a limit which I will not venture to prescribe. Why the necessity of pledging your faith that you will never annex any more of Mexico? Do you not know that you will be compelled to do it; that you cannot help it; that your treaty will not prevent it, and that the only effect it will have will be to enable European Powers to accuse us of bad faith when the act is done, and associate American faith and Punic faith as synonymous terms? What is the use of your guarantee that you will never erect any fortifications in Central America; never annex, occupy, or colonize any portion of that country? How do you know that you can avoid doing it? If you make the canal, I ask you if American citizens will not settle along its line; whether they will not build up towns at each terminus; whether they will not spread over that country, and convert it into an American State; whether American principles and American institutions will not be firmly planted there? And I ask you how many years you think will pass away before you will find the same necessity to extend your laws over your own kindred that you found in the case of Texas? How long will it be before that day arrives? It may not occur in the Senator's day, nor mine. But so certain as this Republic exists, so certain as we remain a united people, so certain as the laws of progress which have raised us from a mere handful to a mighty nation, shall continue to govern our action, just so certain are these events to be worked out, and you will be compelled to extend your protection in that direction.

Sir, I am not desirous of hastening the day. I am not impatient of the time when it shall be realized. I do not wish to give any additional impulse to our progress. We are going fast enough. But I wish our public policy, our laws, our institutions, should keep up with the advance in science, in the mechanic arts, in agriculture, and in everything that tends to make us a great and powerful nation. Let us look the future in the face, and let us prepare to meet that which cannot be avoided. Hence I was unwilling to adopt that clause in the treaty guraranteeing that neither party would ever annex, colonize, or occupy any portion of Central America. I was opposed to it for another reason. It was not reciprocal. Great Britain had possession of the Island of Jamaica. Jamaica was the nearest armed and fortified point to the terminus of the canal. Jamaica at present commands the entrance of that canal; and all that Great Britain desired was, inasmuch as she had possession of the only place commanding the canal, to procure a stipulation that no other Power would ever erect a fortification nearer its terminus. That stipulation is equivalent to an agreement that England may fortify, but that we never shall. Sir, when you look at the whole history of that question, you will see that England, with her far-seeing, sagacious policy, has attempted to circumscribe and restrict and restrain the free action of this Government. When was it that Great Britain seized the possession of the terminus of this canal? Just six days after the signing of the treaty which secured to us California! The moment that England saw that by the pending negotiations with Mexico, California was to be acquired, she collected her fleets, and made preparations for the seizure of the port of San Juan, in order that she might be gate-keeper on the public highway to our own possessions on the Pacific. Within six days from the time we signed the treaty, England seized by force and violence the very point now in controversy. Is not this fact conclusive as to her motives? Is it not clear that her object was to obstruct our passage to our new possessions? Hence I do not sympathize with that feeling which the Senator expressed yesterday, that it was a pity to have a difference with a nation so FRIENDLY TO US AS ENGLAND. Sir, I do not see the evidence of her friendship. It is not in the nature of things that she can be our friend. It is impossible she can love us. I do not blame her for not loving us. Sir, we have wounded her vanity and humbled her pride. She can never forgive us. But for us, she would be the first Power on the face of the earth. But for us, she would have the prospect of maintaining that proud position which she held for so long a period. We are in her way. She is jealous of us, and jealousy forbids the idea of friendship. England does not love us; she cannot love us, and we do not love her either. We have some things in the past to remember that are not agreeable. She has more in the present to humiliate her that she cannot forgive.

I do not wish to administer to the feeling of jealousy and rivalry that exists between us and England. I wish to soften and smooth it down as much as possible; but why close our eyes to the fact that friendship is impossible while jealousy exists? Hence England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or to annoy our commerce. Her policy has been to seize every military and naval station the world over. Why does she pay such enormous sums to keep her post at Gibraltar, except to keep it "*in terrorem*" over the commerce of the Mediterranean? Why her enormous expense to maintain a garrison at the Cape of Good Hope, except to command the great passage on the way to the Indies? Why is she at the expense to keep her position on that little barren island Bermuda, and the miserable Bahamas, and all the other islands along our coast, except as sentinels upon our actions? Does England hold Bermuda because of any profit it is to her? Has she any other motive for retaining it except jealousy which stimulates hostility to us? Is it not the case with all of her possessions along our coast? Why, then, talk about the friendly bearing of England towards us when she is extending that policy every day? New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties, seem to be the order of the day. In view of this state of things, I am in favor of meeting England as we meet a rival; meet her boldly, treat her justly and fairly, but make no humiliating concession even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world; but, sir, the Bay Island colony must be discontinued. It violates the treaty.

Now, Mr. President, it is not my purpose to say another word upon our foreign relations. I have only occupied so much time as was necessary to put myself right in respect to the speech made by the Senator from Delaware. He advocates one line of policy in regard to our foreign relations, and I have deemed it my duty to advocate another. It has been my object to put the two systems by the side of each other that the public might judge between us.

Mr. MASON obtained the floor, and on his motion the further consideration of the subject was postponed until to-morrow.

RECESS.

On motion by Mr. RUSK, it was

Ordered, That when the Senate adjourns it be to meet on Monday next.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

MONDAY, *March* 14, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT laid before the Senate a communication from the Post Office Department, in answer to a resolution of the Senate of February 17, calling for copies of contracts entered into for the transportation of the mails from New York, via New Orleans and Vera Cruz, to San Francisco; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

AMERICAN CITIZENS IN CUBA.

Mr. JAMES submitted some documentary evidence in relation to the imprisonment of James H. West, an American citizen, in the Island of Cuba; which was referred to the Committee on Foreign Relations, and ordered to be printed.

OFFICERS OF THE SENATE.

Mr. ADAMS submitted the following resolution for consideration:

Resolved, That the Senate will, at this session, elect a Secretary and Sergeant-at arms.

CAPTAIN MARCY'S REPORT.

The following resolution, submitted by Mr. CHASE on Thursday last, was agreed to:

Resolved, That two thousand additional copies of the report of Captain R. B. Marcy of his exploration of the waters of the Red river, ordered to be printed by the resolution of the Senate of the 4th of February last, be printed for the use of the Senate; two hundred copies of which to be furnished to Captain Marcy; and that two hundred copies of the report of Captain Sitgreaves, ordered to be printed for the use of the Senate, be furnished to Captain Sitgreaves.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolutions submitted by Mr. CLAYTON on Monday, the 7th instant.

Mr. MASON said: Mr. President, it is my desire to make a few remarks in reply to some of the views expressed by the Senator from Delaware, [Mr. CLAYTON,] in reference to the subject of debate before the Senate at the last session, connected with the affairs of Central America and the treaty between the United States and Great Britain in 1850.

The treaty of 19th April, 1850, negotiated at Washington and ratified by the Senate of the United States, came back from England in the month of June following, having received there the ratification of the British Government, and on the 4th of July it was formally published under the proclamation of the President, thus becoming the supreme law of the land. We are all aware that when the treaty came before the Senate, there was some objection made to it, because it seemed to involve a departure from the well-established policy of this Government to avoid all foreign alliance, or any alliance that might commit or entangle us in the management of our external relations. There was found in that treaty a mutual engagement between the two Governments—England and the United States—stipulating for the mutual protection and security, and to that extent a mutual intervention in the affairs of foreign Powers connected with a projected canal through the Republic of Nicaragua. I say that this provision of the treaty caused some difference of opinion in the Senate when it came before us, as to the propriety of departing even to that extent from the existing and well-established policy of the Government. But these objections were waived, and ultimately the treaty conciliated a large vote, because there was further in it, what I believe was considered at the time a final extinction of all claims and all pretensions to claim on the part of the British Government within the country termed by the treaty "Central America." I think I am right in saying that those provisions in the treaty conciliated objection, and the result was that it was ratified by a large vote.

Things remained in that condition, it being the general impression of the country that whatever views or purposes Great Britain might have had upon the extended coast of Central America, they were all renounced and quieted forever by the treaty of 1850. Nor did we know to the contrary until during the last session of Congress, when information came, not in an official form, but in a manner which made a pretty strong impression upon the country, that somehow, in contravention of the provisions of this treaty, Great Britain projected the establishment, if it had not already established, a colony within the limits of Central America upon certain islands called the Bay Islands. On the 30th of December the Senate adopted a resolution calling upon the President to communicate to the Senate, if not incompatible with the public interest, any information in the possession of the Executive in relation to this projected colony. The President replied to that resolution in due time, and informed us substantially that he had no information on the subject, and that we had no diplomatic agent or government functionary of any kind in that quarter from whom information could be derived. But with the message the President communicated a correspondence which had taken place between the British Minister at Washington and the Secretary of State at the time the ratifications of the treaty of 1850 were exchanged. And so far as I am informed, it was then, for the first time, made known that anything had been appended to that treaty, or in any manner connected with it, under the shadow of which the Government of Great Britain might assume the right to continue its intervention or its dominion within the limits of Central America. A communication of such transaction produced a strong sensation in this body. It was made the occasion of an extended debate, and amongst others who participated in it were the honorable Senator from Michigan, [Mr. CASS,] whose absence and the cause of that absence we all regret; the honorable Senator from Illinois, [Mr. DOUGLAS,] and the honorable Senator from Louisiana, [Mr. SOULE.] There were others, I believe, who took part in the debate, with a view to illustrate the character of the correspondence, and its bearing upon the stipulations of the treaty. The subject was referred to the Committee on Foreign Relations. I did not participate in the debate. I did not do it for two reasons: first, because I had not sufficient information to enable me to form a judgment satisfactory to myself; and secondly, because the whole subject-matter being before the Committee on Foreign Relations, of which I was a member, I thought the matter ought to be inquired into further before any opinion should be expressed upon it. The committee made its report near the close of the late session. That report was directed to three points. The first was as to the alleged colony of the "Bay Islands;" and the report informed the Senate, from the best information within reach of the committee, that these Bay Islands, five in number, formed part of the dominion of the Republic of Honduras, and that the Republic of Honduras, being undoubtedly a part of Central America, any attempt to colonize those islands would be in contravention of the treaty. The second point to which the report of the committee was directed was upon the questions connected with the British settlements at the Balize; and the report informed the Senate, as the judgment of the committee, that Great Britain held no *dominion* at the Balize whatsoever; that her possessions there were mere settlements, in the character of "useful domain," as was fully established by the treaties between Great Britain and Spain; that no political character whatever was attached to the settlements, nor was there any government there except for police regulation. Upon the question whether those British settlements at the Balize were or were not in Central America, the committee informed the Senate that they had been unable to obtain information sufficiently precise to determine with certainty their exact geographic position. But, upon the proofs before them, the committee entertained a strong opinion that they were located within the territory of Guatemala, and in such case, that they also would constitute a part of Central America, and come strictly within the renunciations of the treaty of 1850. The third point taken was in reference to the construction that should be placed upon the correspondence between the British Minister and the Secretary of State at the time of the exchange of the ratifications of the treaty. The result of the deliberation of the committee, as shown in their report, was, that the correspondence did nothing more than to express, as the opinion of the Executive Department of the Government, that the treaty of 1850 left unaffected the existing rights of the British at the Balize whatever they might be.

The honorable Senator from Delaware, in his remarks the other day, as I understood him, acquiesced in all the conclusions to which the committee came in their report except one, and that was in the opinion expressed by the committee that the British settlements at the Balize were in Central America; and the honorable Senator was pleased to express himself rather in a manner of anticipated triumph. He said:

"I join issue with the committee upon that point; and am prepared to show to the honorable Senator (the chairman of Foreign Relations) by abundant authority, that these British settlements at the Balize are not in Central America, but that they are in Mexico, in the Province of Yucatan."

I confess I was somewhat surprised at the very decided tone of the Senator in joining this issue. The committee had not assumed it. The committee presented to the Senate the best opinion they could form upon the state of the information before them, and they presented the question in the alternative, and in the alternative strictly. If these settlements are in Central America, then of course any extension of British dominion there will be in violation of the treaty. If not, then the treaty does not apply. The committee expressed as its opinion, that which I now entertain, but with guarded reference to the state of its information, that these settlements are in the Republic of Guatemala, and therefore in Central America. I was surprised at the very decided tone of the honorable Senator from Delaware in joining issue with the committee. I was surprised at it, because it was utterly inconsistent with the letter which he wrote in reply to the protest of the British Minister—utterly inconsistent. Let us advert to it.

I have said that the treaty of 1850 came back from London with the ratification of the British Government. Sir Henry L. Bulwer, who was then the representative of England in this country, as a preliminary to the exchange of ratifications, sent to the Secretary of State this note, which is called a "declaration" on the part of Great Britain.

The British Minister says:

"In proceeding to exchange the ratifications of the convention, signed at Washington on the 19th of April, 1850, between her Britannic Majesty and the United States of America, relative to the establishment of a communication by a ship canal between the Atlantic and the Pacific oceans, the undersigned, her Britannic Majesty's Plenipotentiary, has received her Majesty's instructions to declare that her Majesty does not understand the engagements of that convention to apply to her Majesty's settlements at Honduras or to its dependencies. Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned."

It is dated the 29th of June, 1850. The language of the declaration is clear and explicit. No man can misunderstand it. It is made a condition precedent to the exchange of the ratification of the treaty. The exchange was to be made on the part of the British Government, with the understanding "that the engagements of that convention should not apply to her Majesty's settlements at Honduras or its dependencies." What are the engagements of the convention? Why the engagements were, that Great Britain would not "occupy, fortify, colonize, or assume or exercise any dominion," in any part of Central America. Now, says the British note, it is our express understanding that the engagements of that treaty do not apply to her Majesty's settlement at Honduras. Sir, if her Majesty's settlements at Honduras are within Central America the treaty did apply to them—and the object of this note was, in such case, to withdraw them from its operation. The British Government may have been in doubt as to the true position of these settlements; and seeing, if they should be found in Guatemala, they would come under the renunciations of the treaty, their Minister was instructed to exhibit this protest. How was it met? Did the Secretary of State commit his Government to the English declaration, that the engagements of the treaty did not extend to these settlements? He did not. He contends now, and I think contends correctly, that his note went no further than to admit that the treaty was in no manner to affect the British *title* to those possessions, *wherever* they might be situated.

If the Secretary of State then thought, as the Senator from Delaware now thinks, that those settlements are not in Central America, why, in his answer, did he not, in two lines, say that clearly the engagements of the treaty did not apply to them, because they were not in Central America? But, Mr. President, did he give that answer? He did not. His letter, if I may be allowed to express it, with entire respect to the Senator from Delaware, is not very explicit; but taking it altogether, we can assign to it but one meaning, and that meaning is: "I dissent from your proposition, and am not prepared to say that the British settlements are not in Central America." The terms of his note are:

"The language of the first article of the Convention, concluded on the 19th day of April last, between the United States and Great Britain, describing the country not to be occupied, &c., by either of the parties, was, as you know, twice approved by your Government; and it was neither understood by them, nor by either of us, (the negotiators,) to include the British settlement in Honduras, (commonly called British Honduras, as distinct from the State of Honduras,) nor the small islands in the neighborhood of that settlement, which may be known as its dependencies. To this settlement, and these islands, the treaty we negotiated was not intended by either of us to apply."

If he had stopped there, it would import precisely what the honorable Senator now says is the geographical fact. It would have imported that the engagement of the treaty did not apply to those settlements, because they were not within the prescribed limits. But it does not stop there. In the very next line the Secretary adds:

"The *title* to them, it is now and has been my intention, throughout the whole negotiation, to leave, as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously."

So that when the British Minister called upon the Secretary of State to admit that none of the engagements of the treaty applied to the British settlements at Honduras, the Secretary of State said, in substance, "I will make no such admission, but I will admit that none of the engagements of that treaty are intended to affect the *title* of

Great Britain to those settlements, let them lie where they may, whether in Central America or not." I say, then, that the honorable Secretary of State was guarded, and properly guarded, in refraining from making the admission asked for in the British "declaration." What the British Minister wanted, was an admission that the treaty did not apply to these settlements, whether in Central America or no. The Secretary of State refused to admit the protest to that extent, but confined it to the single question of the title; and he substantially declared, "I will not agree that the engagements do not apply to the British settlement at Honduras, but I will agree that they do not apply to your title."

But, sir, the honorable Secretary of State went further in that note, and fully and clearly developed that he did not mean to commit himself as to the geographical position of the settlements. He goes on to inform the British Minister that the difficulty arises out of the question as to what are the limits of Central America. Now, sir, what difficulty had there arisen out of the question as to the limits of Central America but from the fact that the limits of Central America must be ascertained before he could assent to the extent to which the British protest went? His language is:

"The difficulty that now arises seems to spring from the use, in our convention, of the term 'Central America,' which we adopted because Viscount Palmerston had assented to it and used it as the proper term, we naturally supposing that, on this account, it would be satisfactory to your Government; but if your Government now intend to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides, to which at present we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire."

And he adds:

"But on some futhre occasion a conventional article, clearly stating what are the limits of Central America, might become advisable."

Now, sir, why that language? Why inform the British minister that if "you make a difficulty about Central America it will defeat the treaty?" Why inform the British minister if "you insist upon a committal now as to the limits of Central America we must wait until we get further information on both sides?" Why inform the British minister "that at some future day a conventional article clearly stating what are the limits of Central America might become advisable?" Why not at once have agreed to the terms of the British note, without reference to any necessity for determining by further inquiry the boundaries of Central America, if the fact was clear, as he now assumes, that the British settlements were *not* within those boundaries? Sir, I appeal from the Senator from Delaware to the Secretary of State; I arraign the Senator from Delaware before the Secretary of State. I say the Secretary of State refused to make the admission which the Senator from Delaware now attempts to establish. Why, sir, the Senator spoke with a tone of triumph, almost scouting the idea that there could be any difference of opinion, and claimed in his speech to show conclusively that the settlements were not in Central America. I say, then, with all the respect which I bear to that gentleman both as a gentleman and a Senator, that I appeal from the Senator from Delaware to the Secretary of State on this question of boundary.

The report of the Committee on Foreign Relations, with which upon this point the Senator from Delaware has declared he joins issue, does not assume as a fact upon which the action of this Government is to be based, that the British settlements are in Central America. The report of the committee has guardedly avoided, as the Senator when Secretary of State avoided, any committal on this point; but the committee in the report, from the information before it, expressed as its opinion, when the question comes to be accurately ascertained, it will be found that the settlements are in Guatemala; and if they are in Guatemala, they then come under the provisions of the treaty, any declarations subsequent to the treaty to the contrary notwithstanding. It is in that point of view, and in that alone, that the question is one of interest to us. This term Central America, which the honorable Senator says was put into the treaty because it was used by Viscount Palmerston, and approved by the British Government, as it seems is not the true term and may be calculated to mislead. The honorable Senator from Michigan, in debating this subject, at the first impression, when the message of the President came in, assumed at once, "Why, who can doubt that they are in Central America?—are they not geographically in that portion of America which lies between the two continents? Who can fail to see where North America terminates, and where South America begins, and that the intermediate strip of country is of course Central America?" Geographically the Senator from Michigan was right, but politically he may have been wrong, because the question at last is, What is meant by "Central America?"

The terms "Central America" are, so far as I can learn, not known to the country they are intended to designate, and confusion and difficulties not unfrequently arise from the misuse of words. The five separate republics classed under that designation, comprised under the Spanish rule, the captain-generalcy of Guatemala, and were at that time, the provinces of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica. These provinces in the year 1821 threw off their allegiance to Spain, and in 1824 they formed a confederacy modeled very much after the example of the United States, under the name of the "Confederation of the Centre of America." Still, I take for granted we may safely assume what the treaty calls "Central America" to mean those republics which united under the title of the "Centre of America," and to affirm of the latter whatever is predicated of the former.

I do not know how far the archives of the old Spanish dominions upon the southern continent will be found, when examined, clearly to ascertain and fix the boundaries or divisions between the provinces. I am not informed on that subject. I have had some occasion to make inquiry in reference to our disputed boundaries with Mexico, and have found that the boundaries between the provinces were generally of an unsettled and indeterminate character. How far the same may be affirmed of the boundary between Mexico and the captain-generalcy of Guatemala, I am uninformed, but so far as I can get information, I am strongly disposed to believe, when these boundaries are ascertained that the British settlements on Honduras bay, as they are prescribed by the treaties with Spain, will be found to lie altogether within the limits of the captain-generalcy of Guatemala, and not of New Spain or Mexico.

The first authority to which the honorable Senator referred in his attempt to establish the position that they were not in Central America, was Humboldt, upon whom he relied, and justly relied, as one of the most authentic writers upon the subject of the Spanish possessions in America. I have referred to Humboldt; and although it may be that he meant to describe these British settlements as within the province of Yucatan, yet it is by no means a clear question. On page 170, the page to which the Senator referred, Humboldt, speaking of the intendency of Merida, or the peninsula of Yucatan, after describing the face of the country, climate, &c., says:

"The ruins of European edifices discoverable in the Island Cosumel, in the midst of a grove of palm trees, indicate that this island, which is now uninhabited, was, at the commencement of the conquest, peopled by Spanish colonists. Since the settlement of the English between Omo and Rio Hondo, the government, to diminish the contraband trade, concentrated the Spanish and Indian population in the part of the peninsula west from the mountains of Yucatan. Colonists are not permitted to settle on the western coast* on the banks of the Rio Bacalar and Rio Hondo."—*Political Essay on the Kingdom of New Spain, by Baron Humboldt, vol. 2, page 160.*

Now, Humboldt is giving us here information as to the effect that had been operated upon the Indians and the other population of Yucatan by means of these British settlements; that is to say, because of the contraband trade which sprung up in the British settlements, the Government of Yucatan had withdrawn its population, but he does not say, as a matter of geographic history, that because the British settlements were between the Rio Omoa and the Rio Hondo, they were to be found in the province of Yucatan, neither does he tell us that the Rio Hondo was a river of Yucatan. I say, therefore, although it may be when speaking here of the province of Merida or Yucatan, and of the British settlements, that he meant to say they formed a part of Yucatan, yet it is by no means conclusive.

*Evidently *eastern coast.*—Trans.

The honorable Senator then refers to a Spanish writer, Alcedo, on whom he seems to place great reliance. I have looked also into this work—a large geographical dictionary, a compilation—but I think the honorable Senator himself will not ascribe much authority to Mr. Alcedo when he finds that Alcedo has been discredited by Humboldt, who is certainly far more worthy of reliance. I find that Humboldt complains that the English geographer Pinkerton had pirated and misused his materials. In speaking of that piracy, he refers to Alcedo, and says:

"Mr. Pinkerton, in the second edition of his Modern Geography, has endeavored to give a minute description of the Spanish possessions in North America; and he has contrived to mix several exact notions derived from the *Viajero Universal* with the most vague data furnished by the dictionary of M. Alcedo. This author, who believes himself to possess a singular knowledge of the true territorial divisions of New Spain, considers the Provinces of Sonora, Sinaloa, and La Pimeria, as parts of New Biscay. He divides what he calls the dominions (*domaine*) of Mexico into the districts of Nueva Galicia, Panuco, Zacatulo, &c., &c. According to this principle we should say that the three great divisions of Europe are Spain, Languedoc, Catalonia, and the territories of Cadiz and Bordeaux."—*Political Essay on the Kingdom of New Spain, by Baron Humboldt, vol. 1, p. 263-'4-'5.*

That is the way he introduces Alcedo to the consideration of all historians and geographers. I say, then, that Alcedo is discredited by Humboldt, and not discredited only, but discredited in a manner to show, in the opinion of Humboldt, that there is no great degree of merit to be ascribed to any of those writers who have attempted to trace, from early records, the boundaries between the Spanish provinces.

I would suggest, then, to the Senator from Delaware, that for the future conduct of this question, as it may involve the interests of this country, it would be safer for him to repose on his note, connected with the treaty of 1850, where he guardedly refuses any admission, than to recur to the speech which he made a few days ago, when he presented an argument to establish it as a fact, a geographical fact, that the British settlements at Balize were to be found in Mexico, and not in Central America.

One authority cited by the honorable Senator was Arrowsmith, who published a map of Guatemala in 1826. The honorable Senator was kind enough to give me access to it. That map purports to have been reduced from the survey in the archives of Guatemala—a declaration on the part of Arrowsmith which, in the judgment of the honorable Senator, entitles it to high credit. Now, Mr. President, all geographers are conversant with the maps of Arrowsmith. He is, perhaps, now one of the largest map-makers in the world, and to whom, I believe great credit is generally given for accuracy. But Arrowsmith has this remarkable fact connected with his maps: He does not date them; not one in twenty, so far as my observation goes, will you find dated. But it is a little remarkable that this map of 1826 is dated, and claims to have been compiled from surveys to be found in the archives of Guatemala.

The honorable Senator informed us, in introducing the map, that it was one entitled to peculiar confidence, because the British Government was anxious to ascertain where those settlements were, and therefore it sent a deputation to Guatemala to examine the archives. He informed us that the anxiety of the British Government to know where the British settlements were arose from this: that since the dominion of Spain had ended, Great Britain was at a loss to know who was her landlord in regard to these settlements—whether she was to treat with Mexico or Guatemala upon the subject of those possessions; and therefore it became a matter of interest to England to send an agent to Guatemala to learn it, and the result was, said he, this map of Arrowsmith of 1826. I believe I have stated the honorable Senator's position correctly. He further informed us, that by means of that investigation Great Britain found that her settlements at Honduras bay were in the Province of Yucatan, and she proceeded to treat, and did treat, with Mexico accordingly in reference to them. It is a little unfortunate for the Senator's theory that there is a seeming conflict

of dates, because the treaty was made in 1826, and the map was published in England in the same year, and it is hardly to be presumed that the treaty followed so immediately upon the promulgation of the map. I have taken the precaution to look into other maps of Arrowsmith in reference to these British possessions, and have found what any Senator will find who will examine them, that they are made exclusively with reference to British pretension, and without any earthly regard to the existing state of facts—geographical or political.

Sir, there is a map of Arrowsmith, a very large map, in the office of the Secretary of the Senate, a map of the West India Islands and the coast of Central America opposite. It has no date, but you will find upon it that the British settlements at Balize are laid down, as they should be, between the Rio Hondo on the north, and the Rio Sipon on the south. These are the treaty limits with Spain as prescribed by the treaty of 1786. And then, if you will extend your walk into the Library, you will find a large atlas, published by Arrowsmith, again without date, in which you will find the British possessions at Balize extended as far down as the river Sarstoon, embracing an extent, it is said, of one hundred and fifty miles below the southern limit of the treaty; so that this author, upon whom the Senator relies to settle this geographical question, on the author's own word that his map is compiled from the archives of Guatemala, lays down the British possessions on his map, not as they are prescribed by the treaty, but as successive encroachments by the settlers have enlarged them, according to the treaty limits in the earlier map, and according to the British trespasses in the later map.

I say, then, with all possible respect to the literature of that country and to those who have charge of the geographical portions of it, that when British interests are concerned, there is not the slightest credit to be given to this map-maker, Arrowsmith.

And thus, sir, although Arrowsmith claims in 1826 to have compiled his map from the archives of Guatemala, and thus to throw those settlements in Mexico, yet in the year 1832, an official map was published by the Republic of Guatemala, in which the whole of these settlements are shown to be comprised within the limits of that Republic. I have that map in the committee room, and intended to have brought it up with me, but it escaped my recollection; any gentleman, however, who is curious on the subject, may examine it for himself. It is an atlas published in Guatemala, entitled "An Atlas of Guatemala, in eight maps, prepared and engraved in Guatemala by order of the Chief of the State, C. D'Mariano Galves." The north and northwestern boundary of Guatemala, although called "line undefined," is there north of the Rio Hondo, which river by the map is altogether within the limits of Guatemala. The author of that map is a certain Allejandro Marure, professor of history and geography in the Academy of Sciences of the State of Guatemala.

Here, then, is a map published at Guatemala, by direction of the government of Guatemala, drawn by one of their most eminent literary characters, showing the Rio Hondo, which is the northern boundary of the British settlements, to be altogether within the limits of Guatemala; and yet the honorable Senator says you are to give no credit in the world to the map, because Guatemala was interested in the matter; but you are to ascribe all faith to the British map-maker, because *he says* his map is compiled from materials in the archives of that State. I say, sir, that in my judgment, I would rely, for the present at least, upon the map of the State of Guatemala, which has the credit and the faith of the State of Guatemala attached to it, because it was published under its authority. I ask the honorable Senator from Delaware, how are we to know the boundaries of any nation but from the declaration or prescription of the nation itself? Every nation has a right to assert its own boundaries as against others who are not territorially interested, and they are to be taken, if not as absolutely, certainly *prima facie* true. We have no territorial interest in the boundary of Guatemala. We have no contiguous territory, and no disputed line between us; and I say to the Senator from Delaware, that England has none. England is not *territorially* interested in the question of boundary between Guatemala and Yucatan. England is interested only to know the boundaries prescribed by Spain to her settlements; but whether they lie in Guatemala or in Mexico is not the question which interests her. Her rights remain the same, be they where they may. We are interested in it only under the treaty of 1850, because Great Britain has stipulated that she will not colonize in Central America. We are interested, therefore, in knowing whether the settlements of England are or are not in Central America. That is our interest. England may have a like interest as against us; but against the Republic of Guatemala she has none. She has not the slightest interest as to the disputed boundary between Guatemala and Yucatan. Then I say confidently, that for the present at least, and until we are further informed, we are to take as true what we are officially informed by Guatemala is true, that the British settlements are in her territory. Upon survey and examination, conducted in the proper manner to determine the question of boundary, let the facts be what they may, whenever established we will assent; but for the present I shall repose upon the assertion of Guatemala, that these settlements are within her territory, and take it as *prima facie* true.

But, sir, we have some further proof on this subject which I was concerned to find met with little favor at the hands of the Senator from Delaware—some further Guatemalan authorities. I have said, in one of the maps of Arrowsmith, (that found in the atlas,) the British possessions, which in a previous map he had correctly defined by the limits prescribed in the Spanish treaty, are extended very far south of the treaty line, and as low as the river Sarstoon. The treaty made with Spain in 1783, clearly defined the limits of those British settlements; they were bounded on the south by the river Wallis or Balize, and on the north by the Rio Hondo. Three years afterwards, in 1786, by a new treaty between Spain and England, the southern boundary was extended to the river Sipon or Tabon, so that from that day to this, without question as far as the title is concerned, the British possessions at Balize, by the treaty are confined to the country between the river Sipon on the south, and the Hondo on the north; but yet, as I said, on this map of Arrowsmith, (the map-maker on whom the Senator relies,) you will find these British settlements extended as low as the Sarstoon river, a river emptying as far south as the bight of the Bay of Honduras, giving, it is said, forty-five leagues of sea-coast outside of the treaty limits to the British settlements. Now, we have what Guatemala said on that subject in 1835, contained in a letter from a gentleman who, I was also concerned to find, met with little favor at the hands of the Senator from Delaware—Colonel Galindo, or Don Juan Galindo, whichever may please the Senator best. Colonel Galindo, who was a minister or commissioner from the confederacy of Central America to Great Britain in 1835, in a letter addressed to the Secretary of State, Mr. Forsyth, gives him the following information:

"The authorities of Balize took upon themselves, in November last, to declare their limits to be the Hondo on the north, the *Sarstoon* on the south, and on the west a line drawn parallel to the coast through Garbutt's Falls, in the river Balize, thus extending the old grant by at least fivefold."

This gentleman, who was sent from Guatemala to England to remonstrate upon the subject of these British trespasses in that country, informed the Secretary of State, in 1835, that the authorities of Balize claimed, in contravention of the treaty, as far south as the Sarstoon river; and here you find upon the map of Arrowsmith, to which I have adverted, that convenient map-maker, the British possessions extending to that river. I have now had brought to me the map published by Guatemala, to which I referred, and any Senator who desires may look at it; and it will be found that the British possessions are fixed within the limits of the State of Guatemala. I rely upon that until the contrary is shown.

[There was another part of the report of the Committee on Foreign Relations upon which the Senator animadverted. I mean the information communicated by Colonel Galindo, who was sent upon this mission to England. Of this gentleman the Senator boldly affirms, that he was an impostor—to establish which, he avers that he was a mere bearer of dispatches, whilst claiming to be a minister to a foreign court; and again, that whilst he assumed to have been sent by the Federal Government of Central America to England, he was in truth but an emissary of the separate State of Guatemala.

These positions of the Senator to discredit the State of Guatemala, and with it all evidence derived from that Republic, I think will furnish no bad exemplar of the mode in which the Senator has dealt with the argument against the English pretensions, and I shall therefore present the facts to the Senate as they appear in the documents to which the report of the committee had reference.

In 1834, the Secretary of Foreign Affairs of the "Confederation of Central America," by letter to Mr. Forsyth, then Secretary of State, introduced to him a certain Colonel John Galindo, who, he informs Mr. Forsyth, had been sent by the Government of Central America as a Commissioner "accredited" to the Government of England, to lay before the latter Government the complaints of Central America against the aggressions of the English settlers at Balize—a most unwelcome topic certainly to England; and Mr. Forsyth was further informed that Colonel Galindo was instructed to come first to the United States, and to ask the good offices of this Government to aid him in his mission to England. He was received by Mr. Forsyth in due form as the representative of Central America, but, for reasons satisfactory to our Government doubtless, but which do not appear in the correspondence, interference on our part was declined. Colonel Galindo went on his way to England, and that Government declined receiving him as the representative of Central America, on the ground that he was a British subject, and therefore could not be accredited as the representative of a foreign Power.

It was in this manner that England evaded the remonstrance of Central America, shielding herself behind the arrogance of British law, which acknowledges no expatriation—once a subject of England's monarch, always a subject. Colonel Galindo, it seems, was of Irish birth.

Such was his mission, and such its termination. Central America was too feeble a Power to enforce a hearing at the haughty Court of St. James; but I demand to know through what sympathy is her accredited minister now to be denounced in our American Senate as an impostor?

Mr. Forsyth in a letter to Mr. Murphy, who was the confidential agent of the United States at Central America, speaks of Colonel Galindo in this language:

"Colonel Galindo, a distinguished officer in the Central American army, was bearer of the application of his Government to ours."

In the letter quoted, from the Secretary of Foreign Affairs of Central America to Mr. Forsyth, he says that a grant of land had been made by the State of Guatemala to a certain company for purposes of colonization, and that the colonists had been driven off by the English settlers. This was the cause of Colonel Galindo's mission in England. In the same letter that Secretary says, speaking of the boundaries of Guatemala, "the Rio Hondo forms the boundary between Guatemala and Yucatan." If that be true, it settles the whole question as to whether these possessions are or are not in Central America. Is it true? The honorable Senator from Delaware says it is false, and undertakes to show that it is false; and he makes that assertion upon such authority as the British map-maker, Arrowsmith, in direct contradiction to the solemn asseveration made by the Minister of Foreign Affairs in Central America. To give this history, however, correctly, I will quote it at large from the letter of the Minister of Foreign Affairs, as follows:

"The Rio Hondo forms the boundary between Guatemala and Yucatan, and consequently the whole of the grant made by her Catholic Majesty to the British cutters is within the sovereignty of Central America: however, the Mexican States, in their treaty with Great Britain, took upon themselves to sanction the said grant of the Spanish monarch; in consequence of which the English settlers again possessed themselves of the southern bank of the Hondo, but never took any measures to disoccupy the country to the west and south, which, in every view, they had only held as an equivalent."

It then goes on to say:

"In consequence of the grants of land made of that territory by the State of Guatemala to certain Central American citizens, and an European colonization company, the authorities of Balize took upon themselves, in November last, to declare their limits to be the Hondo on the north, the Sarstoon on the south, and on the west a line drawn parallel to the coast through Garbutt's Falls, in the river Balize, thus exceeding the old grant by at least fivefold."

Here, then, is a complaint made by our sister Republic, the Confederation of the Centre of America, to the United States, upon whose justice and strength it relied against these British aggressions at Honduras bay, in which they state their title, and say that their boundary is the Rio Hondo. The honorable Senator from Delaware says that no earthly credit is to be given to what comes from that quarter, because they are interested; and for what reason does he say it? What is the end to be attained by the honorable Senator, if he could prove his proposition to be true that these settlements are not in Central America, except that he would then show they were withdrawn from the obligations of the treaty of 1850?

Sir, there was communicated by that gentleman, Colonel Galindo to Mr. Forsyth, a paper which none can read without seeing that it is the work of a man of ability. It is a remonstrance drawn up by a certain Mr. Annitia, who, Colonel Galindo informed the Secretary, was a member of the Congress of the Confederation from the State of Guatemala. It was published in Guatemala, and was intended to present to the people of Guatemala their true position in reference to the British settlements; and he draws a picture which will show to us, and to any who will read it, that these settlements within the territory of Guatemala, not only caused endless discord and trouble, but would ruin the resources of Guatemala by the cupidity of British merchants. This gentleman, a member of the Congress of Central America; also claims, in direct terms, that the whole of the settlements are within their territory. His language is this:

"In the year 1783, the Spanish Government, which, until then, exercised in this country the power which they had acquired by conquest, agreed that the subjects of his Britannic Majesty might cut dye or Campeachy wood within the district prescribed for them, between the rivers Hondo and Balize, or Belese, which are in *our territory*."

He then goes on to depict the mischiefs, the injuries, and the evils under which the Republic of Guatemala was laboring, on account of the contraband trade carried on in the British settlements. He speaks, as I have read, of the aggressions of the settlers extending their limits beyond the proper southern boundary, and he says:

"But the transaction of which they ought to be ashamed is, by a strange process, made the ground of a title; for those gentlemen affirm that they have a right to retain all they occupied up to the year 1821. If it were true that they could thus establish a legal claim, to what, with their activity, and our apathy, would they not soon pretend? Besides, by giving the provisional settlement in question the importance of a colony, and making it, with the provinces that composed the ancient kingdom of Guatemala, some of its inhabitants advance other arguments, which, although easy to refute, it is not the object which I have in view."

Now, Mr. President, it has never been assumed on the part of the Committee on Foreign Relations, nor have I assumed it in the debate here, as a fact upon which the action of this Government is to be founded in reference to the British treaty, that these possessions are in Central America. I assume only so far as we are informed that the weight of authority is on that side. I say that the Republic of Guatemala claims it—claims it not only through her official documents, to which I have referred, but through her official maps; and that in the present posture of the question, we are bound to take that as *prima facie* true. Sir, during the last Congress a mission was instituted to these Governments of Central America, and a minister will be sent there doubtless with the instruction to obtain and report to his Government accurate information upon this whole subject, and particularly as to the geographical position of these British settlements. We shall probably know at the next session of Congress whether those settlements are in Central America or not, and when that fact is established the proper action of the Government will follow in respect to the treaty of 1850.

The report of the Committee on Foreign Relations on this branch of the inquiry committed to them, submits only that *prima facie* the title is with Guatemala; and if this be so, the result in regard to England, in reference to the treaty, is, that her settlements there remain undisturbed within the limits and under the rights acquired from Spain. But she has not the right to colonize, to fortify, or to assume, or to exercise any dominion or juriediction greater than that existing before the treaty of 1850.

Mr. President, I do not intend to prosecute this discussion further. Whenever a question shall come up between the two Governments, the United States and England, as to the proper construction of this treaty, the stipulations in regard to Central America, or as to the effect, if any, upon the text of the treaty, by the subsequent declaration and correspondence between the Secretary of State and the British minister, we shall be prepared to meet it. Sir, peace in our beloved country is to be preferred over everything except national safety and national honor. That statesman or that man who would precipitate his country into a war carelessly, recklessly, or idly, upon the assertion of any abstract opinion, would go down, as he would deserve, to posterity with execration. But that statesman or that man who would jeopard the national honor or the national safety, from any fear of war, would go down with deeper execration still. For one, I am prepared to say, that while a fair, a legitimate, a just construction is to be given to the treaty, England must be held strictly to its engagements. The governments of Central America are weak and feeble—they are powerless against England. In 1835 she refused to hear their remonstrance against aggressions under British authority. Now, by this treaty of 1850, the honor of this country is sternly committed to preserve the integrity of every part of Central America as essential to our own safety.

Sir, the Government of Old England is known—well known. It is great, mighty, and powerful, and not great, mighty, and powerful alone, but wise and sagacious. Look at her! Why, it has been truly said that the sun never sets upon her dominion! The world is circled by her "martial airs," as was beautifully and strongly said by the lamented Webster. Look at our own continent! From the Island of Trinidad, at the mouth of the Orinoco, to the Cape of Florida, you find her entrenched on a cordon of islands. We cannot put her out of them. She commands the southern outlet of the Caribbean sea, and at the Bahamas, the Gulf of Mexico. She is fortified everywhere. Why? To protect her fleets in a state of war, and further her commerce in a state of peace. How is it in the eastern hemisphere? She commands the Mediterranean sea at Gibraltar; the pass between Africa and Sicily, at Malta, and recently, as late as 1839, she has mastered the enterprise of commanding the route to India, by seizing the fortress of Aden at the Straits of Babelmandel, the Arabian "Gate of Tears." I do not complain of that. We have no right to complain. England is wise in her generation. She reposes upon her own strength. If other nations permit her to seize and retain such strongholds on the eastern hemisphere, be it so; but upon this continent she has gone as far as she can go, consistent with the safety and interest of this country. Now, sir, I am prepared to make no charge. I am uninformed upon the subject. We are told that these British settlers at the Balize are constantly trespassing upon Central America; that they have endeavored more than once to seize the Bay Islands, and colonize them. Intelligence in the public journals of this very day tell us of some new aggression committed in Honduras by the British authorities there. Still they are in report and rumor only. I make, therefore, no charge of bad faith or violation of the treaty, because I have not information to justify me in making such a charge. But, sir, just as certain as the seasons return and the earth revolves in its orbit, this continent, so far as it interests the welfare and safety of the United States, must be freed from the aggressions of England.

Mr. CLAYTON commenced replying to Mr. DOUGLAS and Mr. MASON, but after speaking nearly an hour without concluding, gave way for a motion to postpone the further consideration of the subject until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. ADAMS, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and the Senate adjourned.

TUESDAY, *March* 15, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in answer to a resolution of the Senate calling for information in regard to the contract made with Howland & Aspinwall for the supply of coal for the Japan expedition; which was ordered to be printed.

On motion by Mr. EVERETT, it was

Ordered, That two thousand additional copies of the message of the President of the United States, communicated to the Senate on the 8th instant, transmitting the report of the Secretary of State in relation to the fisheries on the coasts of the British North American Provinces, be printed for the use of the Senate.

PAPERS WITHDRAWN.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That E. P. Colkins have leave to withdraw his petition and papers from the files of the Senate.

On motion by Mr. RUSK, it was

Ordered, That Harriet F. Fisher have leave to withdraw her petition and papers from the files of the Senate.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolution submitted by Mr. CLAYTON on the 7th instant.

Mr. CLAYTON. I have now heard both the Senator from Illinois [Mr. DOUGLAS] and the Senator from Virginia, [Mr. MASON,] and shall reply to both. First, let me notice the remarks of the honorable chairman of the Committee on Foreign Relations [Mr. MASON] in defense of his report. The Senator from Illinois, who is a member of that committee, says for himself, by way of excuse, I suppose, that he was not present when it was read in committee, and, accordingly, he does not attempt to defend it. The late Senator from Kentucky, (Mr. UNDERWOOD,) another member of the committee, announced his dissent from it when the report was made. The honorable chairman, [Mr. MASON,] for whom I have great respect, defends it still, after all I have said to refute it. But it cannot escape observation that he has not been able to produce any authority to sustain it besides that which the report itself sets forth. What was that? Why, nothing more, according to his own present showing, than the assertion by Guatemala in some maps, purely *ex parte* maps, each entitled to no more credit than a plat of a farm made by a man claiming it who has never been in possession of it and never sought to obtain it. But I do not agree with him that the maps he has produced do prove that Guatemala makes any claim to the Balize territory within the limits of the treaty of 1786. The map made by order of the chief of the State of Guatemala, C. D. Mariano Galvez, appears, like every other map made by Guatemala which I have seen, to be constructed without scientific arrangement, and on its own face unreliable; and, if I understand it, the chairman is entirely mistaken in his inference from it, that it includes Balize within the limits of the State of Guatemala. The lines appear to be dotted which are to designate her boundaries, and dotted lines are marked around Balize, as if to exhibit it as a separate territory. The honorable chairman and I draw different inferences from the same paper, and the paper itself is no authority for either of us.

As to his remarks on the passages from Humboldt and Alcedo quoted by me, I can only desire others to look at them and decide between us. Humboldt does not, in the passage cited by the honorable Senator, discredit Alcedo in reference to this question, but differs from him in regard to another matter. The honorable Senator was entirely silent in regard to all the other authorities I quoted, except the map of Guatemala published by Arrowsmith, the royal hydrographer, in January, 1826, which he admits proves all I stated if

it is to be credited, but which he thinks ought to be discredited, because it was made by an Englishman. I produced it for the very purpose of showing how Englishmen understood the subject, when they sought from Mexico and not from Guatemala the confirmation of their claims on British Honduras, under the treaty of 1786, and obtained the ratification of them by the treaty with Mexico in December, 1826. The map does conclusively prove this, as it was made from "the original survey in the archives of Guatemala" herself. But I ask again, why is it that all English authorities are to be wholly disregarded, and all the mere pretensions of Guatemala are to be viewed with perfect confidence? He says we are bound to receive *her* assertions, because she claims it. I deny that she claims it; and if she did, does not Great Britain also claim it under a grant from Mexico? and has she not been in the undisputed possession of it ever since Guatemala had existence as a State? The honorable Senator may well express doubts of the conclusion arrived at in his report, since he has had time to look into the many other authorities to which I referred him, and to which he has made not the slightest exception.

It is true, as the Senator states, that Mr. Webster did, in a letter to Mr. Murphy, of the 6th of August, 1841, speak of the Irishman, John Galindo, as "Colonel Galindo, a distinguished officer in the Central American army," and of his mission to England as being "accredited by the Government of Central America." But it is also true that Mr. Murphy, writing from Guatemala on the 20th January, 1842, informed Mr. Webster of the imposition which caused his mistake. The Irishman, John Galindo, now called in the report "Don Galindo," "the Minister," was, as I said, an impostor; and the letter of Mr. Murphy proves that there was a gross misrepresentation of his official character, even in the letter of Alvarez himself. Who could rely on such testimony, even if it had stated that Balize was in Guatemala? Sir, I submit that there is no shadow of evidence left to sustain the position that Balize is or ever was in the State of Guatemala, and knowing that I have fully refuted the report, I leave it.

As to my letter to Mr. Bulwer, which is a counter-declaration to prevent a misconstruction of his letter of the 4th of July, 1850, the chairman was perfectly right in his report that it did not consent to any alteration of the treaty, or to the possible inference that the eminent domain was in Great Britain at the Balize. The letter also expressly states that the dependencies of Balize are "the small islands *known* to be dependencies of British Honduras;" it declares also, without contradiction, that the treaty does embrace "all the Central American Republics, with all their just limits and proper dependencies." With these facts before him, any man may decide the honorable chairman's appeal from the Senate to the Secretary of State.

The Senator from Virginia undertook to state the facts in regard to the declaration of Sir Henry L. Bulwer, and my counter-declaration of the 4th of July, 1850. In doing this he has omitted some of the facts. He omitted, I observe, to state that Congress was officially informed by me, almost immediately after the exchange of ratifications, that British Honduras was not included in the treaty of 1850. He has omitted to state that the public were also apprised of the fact at the very moment of the first publication of the treaty, and that no complaint was ever made of the exclusion of British Honduras from the treaty by any man till the 6th of January last, more than two years after every one knew it or had reason to know it. Above all, he omitted to state—what was publicly known here and elsewhere—that at the very moment of the exchange of ratifications I was officially informed by Mr. King, the chairman of your Committee on Foreign Relations, that the Senate, at the time of voting on the treaty, "perfectly understood that British Honduras was not included in the treaty." If they did—and they dare not deny the statement of their own official organ, the chairman of that committee—why is it that so elaborate and persevering an effort is made to inculcate the absurd notion that British Honduras was included in the treaty? I have here before me the letter of your own chairman—your own organ, to inform me of your views—the letter of Mr. King himself. It is conclusive of the fact that the Senator, and all others who voted for or against the treaty, perfectly understood at the time that the territory of British Honduras was not included in the treaty! All understood it then; but a few have said they did not understand it so, and a few others try to prove it is not where their own official organ declared to me they perfectly understood it to be when the treaty was ratified by them. They try to convict their own organ, appointed by them to communicate with me, of a misstatement, or to convict themselves of ignorance. The late Senator from North Carolina, (Mr. Mangum,) who, with Mr. Webster, was on the Committee on Foreign Relations at the time, stated that every member of that committee understood the treaty precisely as their chairman understood it.

My object in offering the second resolution was to give the new Administration a fair opportunity of examining and deciding for itself the question (without any previous committal of this body) whether the little islands of Roatan, Bonaca, Utilla, Barbarat, Helena, and Morat, are or are not within the limits of the State of Honduras. If they are, and the reports of English occupation of them be true, then the treaty has been violated. So, too, if the newspaper reports of the occupation of Truxillo and Limas, in Central America, be true, that would be matter for immediate attention on the part of this Government. I will, as I have already said, go as far as he that dare go furthest in vindication of the national honor and the integrity of the treaty. We are bound on our part faithfully to observe this and all other treaties, and to see that other nations observe them when we are interested in them. I do not desire any hasty action on the subject; and whether the Secretary of State shall keep the subject under consideration until the next session of Congress, or report immediately, I wish to leave entirely to his own discretion. Let the Executive have full time to collect information and decide for itself. Let nothing be decided in a hurry.

The member from Illinois [Mr. DOUGLAS] says again, that Great Britain still remains in possession of Central America. He says she has not relinquished "an inch" of it. This only proves that he has not read the official papers before us, and has made a reckless assertion, without proof. The Secretary of State, in his letter before us of the 16th of February last, says that "the British 'Government does not expect to make complete 'provision against the danger to the Mosquito In-'dians." "They consider it, however, their duty 'to do what is required by honor and humanity in 'behalf of the Mosquito nation; declaring at the 'same time, that they intend to adhere strictly to 'the treaty of Washington of the 19th April, 1850, 'and not to assume any sovereignty, direct or in-'direct, in Central America." The British have no right to exert any force, I repeat again, with a view to the support of the pretended protectorate of the Mosquito king. If they do attempt it, that must inevitably involve us in a controversy which never can terminate honorably for us without their utter abandonment of any such claim. I do not pretend that either they or we cannot interfere with a Central American State which *robs* or *plunders* the subjects of their country, or the citizens of the other. Were any of these States to *imprison* our citizens, or *rob* them of their property, it is our duty to protect them, and after all efforts of honorable diplomacy are exhausted, to *compel* a full indemnity for the *wrong*. It may be possible that Great Britain may have endeavored to enforce such an indemnity for her subjects for *torts* of Honduras to them. The treaty does not protect any of these Central American States from punishment for outrages committed by their authority to either English subjects or American citizens. Those States are only on the same footing under the treaty with all other independent nations. It is possible that assaults or threats may have been lately made against Honduras on account of injuries to British subjects residing there. The omission to pay damages due them was the reason assigned for the seizure of Tigre Island in 1850, which was on the Pacific side of the State of Honduras. Neither the law of reprisals for torts, nor the right of any Government to interfere for the protection of its citizens or subjects against oppression and outrage, have been abolished by the treaty of 1850. We should be as prompt to demand reparation for wrongs done to an American citizen by Honduras as by any other State or country, without in any way violating the treaty. We know that in the case of the island (Tigre) I have mentioned, the occupation was disavowed promptly. Let us wait patiently, and learn how the facts really are, before we proclaim the perfidy of any nation. But, without blustering, let us be firm in executing the observance of the whole treaty when our intervention is really necessary to enforce it.

Having done with the honorable Senator from Virginia, I will now pay my respects again to the member from Illinois, [Mr. DOUGLAS.] He addressed a speech to his partisans in the galleries on all the topics used to excite and inflame the populace. When defeated on one point, he shifted to another. From glorifying Hise's treaty, (as he has done for two years,) he shrunk back, when its folly was exposed, to a mere assertion that he only preferred it because it gave us the *exclusive* right of way. What has become of his Monroe doctrine, which was the chief objection he made to the treaty? He has abandoned it—fled from it, and has not a word to say in its defense? What answer has he made to the glaring evidence of the gross unconstitutionality of the Hise treaty creating a corporation to dig a canal more than a thousand miles from the utmost limits of the United States? Not a word! He is equally silent now on every other topic connected with the treaty, upon which he harangued the populace for the last two years, except the single matter of the exclusive privilege. On that point he is yet sure he is right, and it is my duty to expose him.

I will begin by simply reading the names of the Senators who voted for the treaty of 1850, providing against any exclusive privilege in any one nation, and extending the privilege of passage to all nations. The vote stood:

"YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, CASS, Chase, Clarke, CLAY, Cooper, Corwin, Davis of Massachusetts, Dawson, Dayton, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Foote, Green, HALE, HOUSTON, HUNTER, Jones, KING, Mangum, MASON, Miller, Morton, Norris, Pearce, Pratt, Sebastian, Seward, Shields, Smith, Soulé, Spruance, Sturgeon, Underwood, Wales, and WEBSTER—42.

"NAYS—Messrs. Atchison, Borland, Bright, Clemens, Davis of Mississippi, Dickinson, Turney, Walker, Whitcomb, and Yulee—10."

I have the official list which was sent to the President of the United States at the time of the vote upon the treaty, certified in proper form by the Secretary of the Senate, showing that there were forty-two yeas in favor of it, and only ten nays against it, and it does not appear upon the face of that paper that the Senator from Illinois did vote on either side.

Mr. DOUGLAS. I may as well here make an explanation of the point that the Senator is raising, which he could have learned from the Secretary's table, if he had chosen, without any difficulty. The Senator knows as well as any living man that I was opposed to the treaty. The Senator recollects well an interview which took place between him and the Vice President of the United States and myself, at the Vice President's seeking, in which we discussed every provision in the treaty. That Senator well knows that I arraigned every article of the treaty in that interview long before the vote was taken. That Senator well knows that then I insisted upon the Hise treaty, and he well knows all my objections on the subject, and that we had an interview of three hours, the result of which, I apprehend, left a little irritation, in consequence of which I suffered in my position on the committees in the Senate. Hence my opposition to the treaty was not equivocal. By an accident in taking the names my vote was omitted. At the next Executive session after it was observed, I called the attention of the Senate to the fact that the record was wrong. The whole Senate recognized the fact and corrected it. The Senator ought to present the record as corrected, and not the record which was made under a mistake.

Mr. CLAYTON. I present the record as it was sent to the President of the United States, and that record never was corrected.

Mr. DOUGLAS. That may be, but it had been stated in debate that I had voted; and if he had

looked at the records of the Senate he would have found upon the corrected record that the error had been corrected.

Mr. CLAYTON. I know nothing of the fact of the Senator having corrected the vote some time after it was taken. I know not when the Executive session was held. I am bound to take the Senator's own statement, but I beg to differ with him in regard to the recollection in which he is so confident in reference to the discussion before Colonel King. We will settle that, however, when we can see him.

Mr. DOUGLAS. Very well.

Mr. CLAYTON. My recollection is different from the Senator's, but at the same time I will state——

Mr. DOUGLAS. Will not the Senator from Delaware concede to me that I did object to the treaty *in toto?*

Mr. CLAYTON. I will state what I understood to be the position of the Senator. I understood him distinctly to object to the treaty because it deprived us of the power of annexing Central America.

Mr. DOUGLAS. That was one of my objections.

Mr. CLAYTON. But I do not recollect anything at all of the gentleman's extending——

Mr. DOUGLAS. Did not Colonel King hold out a strong argument to show me that I was wrong in preferring an exclusive privilege, and was it not said that England and Europe would never consent that a great commercial Power should have the exclusive privilege; and did I not tell him that I never would ask their consent, because it was an American question?

Mr. CLAYTON. If the Senator will have patience, I will state what recollection I have of the interview; and I am very confident of the correctness of my recollections. I do recollect very well putting the question to the Senator: How shall we exclude the British from Central America? That was the question which I presented. How shall we get them out? Shall we propose the Monroe doctrine? Shall we endeavor to enforce it? Will Congress sustain any such attempt? I think the Senator will agree with me that he assured me that he did not doubt that Congress would not.

Mr. DOUGLAS. Not at all. I only answered for my vote.

The PRESIDENT. The honorable Senator from Illinois is out of order.

Mr. DOUGLAS. If the honorable Senator asks me if I did not so state, certainly I should be permitted, in a matter involving my own reputation for truth, to respond to the question.

The PRESIDENT. The Chair objects to the Senator answering the questions of the Senator from Delaware in this manner: it is utterly opposed to the usages of the Senate.

Mr. DOUGLAS. Very well.

Mr. CLAYTON. I certainly do not intend to impeach the honorable Senator's veracity, but I tell him that we have different recollections of the conversation. I did not understand him to conclude the conversation with the declaration on his part that he intended to oppose the treaty. I did suppose that the arguments addressed to him had some influence on his mind, and I so informed some of my friends at the time; and I was surprised that he did not vote on the treaty, or, as he says, that he did vote, and vote against it.

Mr. DOUGLAS. I never said that I would not sustain him in the assertion of the Monroe doctrine—never uttered such a word—never entertained such a thought. I could not speak for Congress, but my own opinions and determinations were known and proclaimed to be in favor of preventing any more European colonization on this continent. I must be permitted to inform the Senator from Delaware that I am not mistaken about the conversation held with Colonel King and myself. He cannot have forgotten—he must remember, that I opposed the treaty then in all its parts and provisions, for the same reason that I have since given for my vote against it—that I opposed it because it surrendered the exclusive privilege which we might enjoy by the Hise treaty; because it abrogated the Monroe doctrine; because—because—because it proposed an alliance with England and the other European Powers in respect to the American continent; because it gave a pledge that in all time to come we would never annex any portion of Central America; because its objects and provisions were at war with all those principles which had governed all my actions in relation to the affairs of this continent. I am not mistaken upon this matter—I have too many reasons to remember it. It caused my withdrawal from the Committee on Foreign Relations under circumstances not agreeable to my feelings and pride. I was in favor of the Monroe declaration, but could not say what Congress would do.

Mr. CLAYTON. Very well, then. So far he agrees with me; and as Colonel King is not present I will take his own recollection. He, a Senator, a constitutional adviser of the President, told me, then Secretary of State, that if I endeavored to exclude England from Central America, by asserting the Monroe doctrine, he would not sustain me in that. I knew that too. Then why did the Senator hold me up to censure before the country, on the 14th of February last, for not asserting and carrying out the Monroe doctrine?

The Senator, in reply to the remarks I made in relation to the eminent men who voted for the treaty, and the other eminent men who voted for the Panama treaty, charged me with seeking to screen myself behind the names of those distinguished gentlemen. Forty-two Senators voted for the treaty he attacks. Twenty-nine more sustained the same principle by their votes on the Panama treaty—making seventy-one Senators. The Senator from Illinois did not utter a word against it when it passed. Three weeks afterwards he had his name recorded against it. He was a candidate for the Presidency we all know. By taking ground against the treaty, he placed himself in direct antagonism with all the other candidates for the Presidency of both parties. By making the treaty unpopular he killed off Cass, and Clay, and Webster, and Houston, and both the distinguished Senators from Virginia, and all the others who had ever been named for the Presidency. He fired into the whole flock of his rivals—shot dead, as he thought, all who could stand in his way. How persevering he has been in attacking the treaty since we all know. We know how many stump speeches he has made in opposition to it. It has been his theme by day and by night: his grand point which entitles him to preference over all others is just here. *He* is for annulling the treaty, and all the rest for it. He must kill the treaty, or it will kill him. He shows the country how weak Mr. Buchanan was, in endeavoring to make just such a treaty in regard to Panama. Taylor was alive and well when the Senator commenced his opposition. He now tells me I may not take shelter behind the great names of his rivals. Why not? Henry Clay was, in his day and generation, a man supposed by many to have some sagacity—almost equal to his. Daniel Webster, too, had some reputation. Buchanan and Cass have both been esteemed for their sagacity. Polk had some character too. These, and fifty more on the list opposed to his opinion, were accounted men whose decision was worthy of regard. The unanimous opinion of the Senate, on the 3d of March, 1835, against him, ought to be considered as worth something. The unanimous opinion of the House of Representatives, on the 2d of March, 1839, also fully sustaining the principle of the treaty, one would think was worth something. The opinion of President Jackson ought to be held worth something, to any man who seeks the good will of the Democracy. But the Senator doubts about the opinion of President Jackson. I will fix him on that point. He shall not escape. Edward Livingston, while Secretary of State, acting under the direction of President Jackson, on the 20th July, 1831, addressed a letter to Mr. Jeffers, in Central America, inquiring what was the character of the cession made on the application of the King of the Netherlands by the decree of Guatemala of December, 1830, relative to a canal through that country from the Atlantic to the Pacific. President Jackson apprehended it might be a grant of exclusive privileges, at least so far as related to toll and tonnage duties. Mr. Livingston, by his direction, wrote to Mr. Jeffers:

"Should you find, on inspecting the act, that *particular privileges or facilities* are given in the amount of toll, tonnage, or other duties or charges, to the vessels or merchandise *of any foreign Power*, greater than those which the vessels or merchandise of the United States would enjoy, by the terms of the act, in passing through the canal or in the ports at its termination, you will immediately signify to the Government that the United States consider themselves, by the terms of the treaty, as entitled to the same advantages."

The treaty here referred to was the treaty with Central America of the 5th of December, 1825, which secured to us the privileges "of the most favored nation"—the same commercial privileges which Central America and we ourselves ceded to every nation with which either of the two Republics ever made a commercial treaty. Had Central America or "Guatemala" granted to the King of the Netherlands an exclusive privilege, such as the Senator from Illinois demands for us, we see that Mr. Livingston and President Jackson would have viewed it as a breach of her commercial treaty with us and her commercial treaty with every other civilized State. It turned out that all their apprehensions were groundless. The patriotic and philanthropic King of the Netherlands had asked for no exclusive privilege. He differed from the wise Senator from Illinois. The grant to the Dutch capitalists was liberal, and offered the use of the canal to all nations on the same terms. I have a copy of it before me. The Senator evidently knew nothing about it when he referred to it. The monarch of the Netherlands was not a man of an illiberal, contracted, narrow, mean, and little mind. He, however, and President Jackson, and Livingston, and Polk, and Buchanan, and all the Senate of 1835, and all the House of Representatives of 1839, and twenty-nine Senators in 1847, and forty-two Senators in 1850, and President Taylor and all his advisers, were behind the times—did not understand the growth of this giant Republic like the Senator from Illinois—and I *may not take shelter behind their authority!* Johnson and Meredith, two of the Cabinet ministers of President Taylor, among the first jurists and constitutional lawyers in this country, are not of any estimation when brought in competition with him!

The Senator from Illinois complained that the treaty was a European partnership. This word "partnership" composed a large part of his address. He seemed to think that if he could only get the idea fixed in the American mind that we had gone into *partnership* with England, that would make the treaty odious. So he exerts himself to rouse the ancient prejudice against England. He says she does not love us, and we do not love her. Will he tell us what foreign nation he does love? An American statesman, when speaking or acting in a public capacity, has no right to love any country but his own. She furnishes an object large enough for all his affections. The great Father of his Country, in his Farewell Address, warns us of the folly and danger of either loving or hating any foreign nation. As to Englishmen, when we declared independence, we announced that we held them as we hold men of all other nations, "enemies in war—in peace friends." The policy pursue here by the Senator has shown him to be rather a lover than a hater of England and her people. There is just as much propriety in saying that all the men who travel on the highway are partners, as that the contracting parties to this convention are such. He would view every commercial treaty with England as a partnership, and therefore objectionable.

The Senator endeavored to present the questions between us as party issues. When the Senator did that, he knew well that he spoke in the presence of an overwhelming majority of his own party men, not only here on the floor of the Senate, but above, and all around us. I made no such issue. I desired to make none. I made some remarks, to which he chose to advert, that Mr. Polk and my distinguished predecessor in the office of Secretary of State had made no response whatever to the implorations of the government of Central America, asking us to intercede against the encroachments and aggressions of Great Britain. I had to state that, as a part of the facts to explain the history of the Monroe declaration; but I thought that I endeavored, in the course of the remarks which I made to the Senate, to show that Mr. Polk was right, according to the principle upon which I supposed he acted, which was, that as

the Monroe declaration which he recommended to Congress had never been confirmed by either branch of Congress, he therefore refused to act upon it. I thought he was right in not regarding his own declaration as the principle upon which the Government should be administered, until it had received the sanction of the Congress of the United States. I thought I had exonerated him from the imputations which I have often heard made against him. If the gentleman wishes to press me into a discussion of a party character, I know no good reason why I should avoid it with him; but I desire not to mingle up at all in the debate, upon this question with regard to the true history of a treaty, anything of a party character.

Sir, I do not come here for the avowed purpose of opposing the President of the United States. I mean to make no factious opposition to his administration. I mean to support him so far as I can conscientiously, and oppose him only when I am bound in conscience to oppose, if unfortunately his administration should require opposition. I stand pledged to no party and no set of men to make opposition to him merely because he has been elected as a Democrat to the Presidency of the United States; and it will give me great pleasure, through the whole course of his administration, to sustain him here on the floor of the Senate, if I can.

All the objections of the Senator dwindle down at last, as I have said, to a single point—that the treaty ought to have been a treaty for the exclusive right of way across the isthmus; that the error of the treaty of 1850 is, that while it obtains protection from all nations, it makes a navigable highway for all nations on the same terms; and we see that if he had negotiated the treaty, he would have obtained an exclusive right; and he stood up here in defense of the treaty of Mr. Hise, which would have secured to this Government (if it had been ratified by Nicaragua and the United States) an exclusive right. What sort of an exclusive right is it that he demands? He thinks that the Government of the United States should have obtained the grant—the right to make a canal, and an exclusive right to navigate it; that forts should be built at both ends to protect it; and of course that we should protect it by every other means necessary. When the Government shall have made it, and when the Government shall have established the forts, the canal, he says, will be open to everybody on the same terms; and thus he seeks the exclusive grant of a right of way! What does he want with it? Why does he prefer it to the plan adopted, of opening the canal to all nations on the same terms? The Senator says he would hold it as a rod—yes, a rod, to compel other nations to keep the peace! He would have no more settling of islands on the coast of Central America! If any Government attempted it, he would shut his canal to them! He would also compel all foreign nations to treat us with all respect and regard, by means of the tremendous rod which he would hold in his hands. Let us look a little into the justice of this thing, as regards our own country.

It has been supposed that the construction of this great work will cost fifty or a hundred millions of dollars. I suppose we could not build a proper fortification at each end under less than a million of dollars for each fort. We would be compelled to maintain a garrison there; and, in the event of a war, to maintain a large navy, such a one as could resist the naval Powers of the earth. If we were to go to war with France, or England, or any other great naval Power, that, of course, would be one of the first points of attack. How convenient would it be for us to defend it at a distance of two thousand miles, and send troops to the different forts, and ships to protect our vessels that pass through the canal! We build it, and everybody is to have the benefit of the canal on the same terms, in time of peace! In war we alone are to defend it! The interest on a hundred millions would be six millions a year. The expenses of protecting and taking care of the canal and keeping it in good order, would probably, when added to the interest, make an annual outlay from the Treasury of the United States, in that distant country, of not less than ten millions of dollars. Now, why should we make such an expenditure? Because we want a rod—a rod! Sir, I think it would prove to be a rod to *inflict injuries upon ourselves*. We want nothing but the right of way there. We proposed that no nation should go through that canal, unless she agreed to protect it. In case they agreed to protect it, we should want no forts, no garrisons, and no naval force to guard what none could attack. But, on the other hand, if we were to adopt the plan of the Senator, we should have to keep a standing army in that country to protect it, in the event of a war between us and foreign nations. What would be thought of a man who should purchase a farm, and then, after he had gone to the expense of putting it in order, invite everybody to come and till it, but should direct them to take care that they should pay no part of the expense of keeping up the repairs, nor any part of the taxes upon the land? I do not know that this or any other illustration can make his proposition seem more preposterous than it does on its own mere statement.

But an important objection to the obtaining of such a grant as that, from a foreign Government to the United States, for the construction of a canal by the United States is, that it is unconstitutional, utterly and absolutely unconstitutional. I said, before the Senator addressed the Senate, that I did not know that there was a man on this floor who would contend that this Government had the power, under the Constitution of the United States, to construct a canal in Nicaragua, a railroad in China, or to build turnpikes in England, or any country out of the limits of the United States, or to charter a corporation to do such things. I said I supposed heretofore, that the Senator from Illinois belonged to the strict-construction school, which denied even the power to make internal improvements in our own limits. But he goes for such a treaty as Mr. Hise's, and says that he does not like special pleading. Does the Senator mean that a constitutional objection is mere special pleading? Sir, I never wish any better special plea against any treaty than the Constitution of my country. The gentleman cannot show, by any possible ingenuity, that Mr. Hise's plan of building a canal in Nicaragua is or can be made in any way constitutional. Who ever heard before that a power could be conferred by a treaty that was not conferred upon this Government under the Constitution itself? We are, says he, to build a canal to unite us with our possessions on the Pacific, and Mr. Hise's treaty provides that the Government of the United States may build it.

Mr. DOUGLAS. Is the Senator really serious in putting it, that I insisted that the Government should go to work and make the canal in Central America, or that I intimated any such thing, or that I said a word from which such a conclusion could be drawn?

Mr. CLAYTON. The Senator repeatedly avowed himself, in all his speeches, in favor of Mr. Hise's treaty. He dare not deny it.

Mr. DOUGLAS. I said that an exclusive privilege was tendered, and a partnership privilege was tendered. We had a right to take the one or to take the other. The Secretary of State chose to take the partnership in preference to the exclusive privilege. In reply to the objection, that it was unconstitutional to make a canal by this Government in Central America, I told him, when he would demonstrate the power of the United States and England to make a canal jointly, I would demonstrate the power of our Government to do it separately; or when he would demonstrate the power of the United States and Great Britain to protect a British and American company jointly, I would demonstrate to him, by his own argument, our power to protect a separate American company. I never dreamed, nor is there anything in my speech to show that I believed that this Government ever was to go to work to make the canal there. What I did mean was, that an exclusive privilege was tendered to an American company, under the protection of the American Government; and the same right which would authorize us to protect, in connection with England, a British company, would authorize this Government to protect an American company. The question was not how the canal should be made, but whether its protection, and hence its control, was to be exclusively under this Government, or whether it was to be under the control and protection of England in conjunction with this country. I do not raise a question as to how the canal shall be made, whether by a company or not; but I say, if we are to enter into a guarantee, let it be a guarantee of Americans and not of British; let it be a guarantee on our own account, and not in partnership with England. That was my position.

Mr. CLAYTON. He has shifted again. But he cannot escape by it. I will meet all the issues he has made, and all the new ones he can invent. The speech he made on the 14th of February will convict him (if now read) of having preferred the very treaty made by Mr. Hise without any of his present qualifications. I have exposed it, and he has become ashamed of it. He now qualifies his position, so that he is only in favor of so much of Mr. Hise's treaty as secured to us the exclusive right. That he is for. Let us see now how soon he will change from that. If he is for the exclusive right ceded in the treaty of Mr. Hise, he is of course for the consideration on which that right was ceded. As an honest man, he would not take the grant and then refuse to pay for it. Then he is for an entangling alliance, against which he has said so much.

Mr. DOUGLAS. Not at all.

Mr. CLAYTON. Why, sir, the consideration for which the right was to be ceded, as I have shown from the treaty itself, was an engagement on our part to guarantee the title of Nicaragua, and to fight her battles, and "put down all the wars and bloodshed arising therefrom." Unless he entangled us in that way, he could not obtain from Nicaragua the exclusive right. He cannot take the grant without the consideration for it. As to the question, how the treaty for an exclusive privilege should have been drawn, or how the Hise treaty, securing such a privilege, could have been amended, he has evaded it. He cannot draw the amendments which would have made a measure so objectionable reconcilable with the Constitution and the treaty with Central America or Nicaragua, and he has not ventured to propose them. Yet he interrupted the Senator from South Carolina, and said he only supported the treaty so amended as to secure the exclusive privilege.

The Senator from Illinois said "that treaties could not fetter or confine the limbs of this giant Republic." I do not know precisely the extent to which he meant to be understood; but the language and the manner in which the Senator applied it, seemed to me to go to this extent: that we had a country exempt from the obligations of treaties, and that our limbs cannot be circumscribed by treaties. We were to disregard obligations of that description, being, like a "young giant," rising in power beyond anything that had been known in the history of the world before. The Senator made the same remark in reference to the treaty with Mexico. There is a clause in the treaty of Guadalupe Hidalgo to which the Senator made great objection at the time of its ratification, in effect, that without the consent of the governments of both countries, the line established by that treaty as the boundary between them, should be the *ultima thule*—the utmost limit of our territory. Yes, sir, we plighted our faith and honor in that treaty, confirmed as it was by more than two thirds of the American Senate, that beyond that limit we would *never* go. Yet the Senator from Illinois says that the day is coming when we shall be compelled to violate the treaty—that treaties cannot fetter our limbs or restrict our limits. Sir, I regretted to hear it, because of the influence of that Senator in his party, as one of their standing candidates for the Presidency. I should have regretted to have heard it from any Senator. We form the body that is to ratify all the treaties of the United States. We are the constitutional advisers of the President. We are a part of the treaty-making power.

Mr. DOUGLAS. If it gives the Senator any regret that I stated that, I will explain to him what I did state, and thereby, I imagine, relieve him from all his regret. What I said was, that the steady, regular growth and expansion of this country would in all probability go ahead in the future as it has done in the past; that you might make as many treaties as you please, and still they would not check our growth, and because they could not, it was use-

less to make treaties which must of necessity be violated; hence I argued against the making of treaties pledging our faith not to do that which inevitably would be done in the future. It was an argument in favor of the fidelity and observance of treaty stipulations, and that we *should* not, therefore, be so profuse in our pledges in cases where we could not fulfill them.

Mr. CLAYTON. An argument in favor of fidelity and observance of treaty stipulations, indeed! The idea is, that we are incapable, from the nature of our institutions or our character as a people, of maintaining and observing treaties.

Mr. DOUGLAS. No, sir.

Mr. CLAYTON, (laughing.) We must grow, says the Senator. Our "manifest destiny," he means, is to extend our limits.

Mr. DOUGLAS. The idea is, that some men are incapable of comprehending the growth of this nation. A few years ago, it was supposed that we could never extend beyond the Alleghanies. There were those who thought that——

Mr. CLAYTON. I have heard all that a dozen times.

Mr. DOUGLAS. Then the Mississippi, then the Pacific was the boundary. I said that the same laws which have carried us forward must inevitably carry us further in the process of time, and that that growth will go on; and consequently it is unwise to make a treaty stipulation pledging ourselves not to do that which our interest may require us to do.

Mr. CLAYTON. I have given the Senator so many opportunities for explaining himself to me, as he terms it, that now I must be permitted to explain him to himself. It was but the other day he told me we must annul the Central American treaty; such was his declaration, too, on the 14th February last, in my absence. There is no escape for him from that position. There is no provision in this treaty for notice to annul it, as he knows, and yet he reiterated his demand for its immediate annulment. One of his wise reasons for annulling it was, that the British had not observed it. With the same wisdom, a man who held a bond, whilst his debtor refused to pay, would burn it or not enforce it. Driven from this position, he endeavors to shift it to what we have just heard—that it is unwise, because the treaty *must* be annulled. Has he made his position any better? What is it that he still adheres to? He insists upon it, that by some irresistible influence we are driven on in our course to such a degree of greatness that we shall be compelled to violate the treaties which we may make with foreign nations in regard to boundaries. We ought, he said, to nullify the treaty of 1850 at once. He now says that some men cannot comprehend the growth of this giant Republic. I do not know that there is any man of ordinary intelligence who does not comprehend it. There is no difficulty in understanding it. We have grown to such an extent already that we have a country greater than Rome possessed in her palmiest days. We cover a contiguous territory greater, perhaps, than ever was enjoyed by any civilized nation on earth. And yet we are told that we are not capable of binding ourselves even by treaty stipulations to observe our plighted faith, and fulfill our solemn engagement of honor. I remonstrate against the declaration of such a principle, or rather of such a want of all principle. It is nothing more nor less than this: let there be as many explanations on the part of the Senator from Illinois as he may choose to make—that we are incapable of controlling our impulses and passions when our interests may lead us to violate our engagements. "Treaties cannot fetter us," says he. Sir, the plighted faith of every man of honor binds him at all times, no matter what his interest may be, and the plighted faith of nations equally binds them; and the last place from which a contrary principle should be promulgated, is the Senate of the United States. Here, I repeat, we sit as the constitutional advisers of the President of the United States; and if foreign nations come to understand that the position is taken by members holding a prominent party position here, that treaties cannot be any restraint upon us, what foreign nation will ever make another treaty with us? If there be a country on earth that owes more than any other to treaties, it is ours. We owe our national existence to the old French treaties of 1778. Sir, within the limits of that great State which you in part represent on this floor, [Mr. COOPER in the chair,] Washington, in the darkest period of the Revolution, at Valley Forge, wintered with his suffering soldiers, when the intelligence reached them that France had entered into an alliance with us, and had guarantied our independence. The glorious news ran through all the ranks of the American army, and the great "Father of his Country" stood up and waved his hat, and shouted for joy, in concert with his troops! Our destiny from that moment became fixed. Every American saw that we were free, whatever doubt he might have entertained about it before. We owe, I repeat, our national independence to treaties. And now, when we are becoming strong, shall we forget it? Shall not an American statesman adhere to treaties with as much fidelity as an Englishman, or a Frenchman, or one of any other nation? Shall he not rejoice that his country does stand by her honor? I trust that no idea of our growing importance, or of the necessity of our enlargement, will ever sink into the heart of any other American Senator, to induce him to abandon that principle without which our country would become a byword and a hissing among the nations.

If we must gain more territory, let us gain it honorably. The Senator from Illinois boasts that he opposed the treaty with Mexico. I recollect it very well, and I recollect the reason he gave for voting against it. It was the very reason which he assigned in the debate here for desiring to annul the treaty of 1850. He opposed that clause in the Mexican treaty which fixed the limits beyond which we could not go, and he cannot explain away his position, or shift it any longer. He then said the time would come when Mexico would become indispensable to our progress and our happiness. I would recall to the recollection of gentlemen who were present on the 9th day of February, 1847, the speech made by Mr. Calhoun, of South Carolina, on this very subject. In thrilling tones he gave utterance to views which seemed to carry conviction to the hearts of nine tenths of those who heard him, and told us that Mexico WAS TO US FORBIDDEN FRUIT. Whenever the day shall come that, in defiance of treaty limits or otherwise, we set about the business of annexing nine or ten millions of Mexicans to the United States, the days of our Republic will be numbered. The Mexican people are educated in the belief that no greater curse can befall a nation than that of slavery, and are said to be bound by treaty to abolish it. Could we permit them to take a part in the election of our Representatives and Senators in Congress? Could we admit them to assist in governing us? Sir, without any reference to that dangerous question to which I have barely alluded, there are many other questions which they would have a powerful influence, and an interest in deciding against us. I am opposed utterly to annexing them; and I do not hesitate to express that opposition now and at all times. The true policy of this Government is, to build up Mexico as a republic, to sustain and cheer her by kind offices, and to teach her, by our example, the science of self-government. If we could annex other countries as England does, or as Rome did when she was triumphing over the world, the whole subject might receive another consideration. Whenever we annex, we make citizens of the people whom we unite to us. We do not enslave them. Other countries may make slaves of those whom they subdue, and never permit them to take any part in the government of their conquerors. If we annex Mexico, we are compelled, in obedience to the principles of our own Declaration of Independence, to receive her people as citizens. Yes! Aztecs, Creoles, Half-breeds, Quadroons, Samboes, and I know not what else—"ring-streaked and speckled"—all will come in, and, instead of our governing them, they, by their votes, will govern us. Why do we want them or their territory? Are we cramped? Are we crowded? Have we more population than is necessary to fill the land which we already own? There is not a more sparsely populated country on earth which is inhabited by civilized men. We have hundreds of millions of acres of land upon which the foot of a white man never trod. When, in the lapse of time, all this shall be covered, then, if we find men of our own race and class, capable of sustaining our institutions and of self-government, in any contiguous territory which can be acquired without the violation of any principle of justice or humanity, I am not one that would stay the honorable progress of my country.

The day, however, will never come when an American Senator will be justified in the declaration that we intend to disobey treaties. No, sir; we have been, and mean to remain, faithful to treaties. We have often been accused of having violated them; but the honor of our country is yet dear to us; and it is worth more to the true American than all the land that Mexico and Central America contain.

The Senator objects to the treaty of 1850, because, under its provisions, we cannot annex the Central American States. Were there no such treaty, he could not annex them till he had first overrun Mexico, and broken the treaty of Guadalupe Hidalgo. Nay, he must first annex the West India Islands, and British Honduras, too. After "swallowing Mexico," he must take in all the other intermediate countries; and as Great Britain owns many of the islands and dependencies to be devoured, he must include the British lion—a matter not quite so easy of digestion. What an intimation is it for us to make to the world, that we may some day annex these weak little sister Republics, thousands of miles away from us, with a population so different from ours, especially in laws, institutions, and usages! I would much rather other nations should know the fact that San Salvador, one of these very Central American States, once applied for admission into our Union, and that our Government not only declined to receive them, but treated the application as one not worthy of a moment's serious regard.

I heard with pleasure and admiration that passage in the inaugural address of the President which declared that his administration should leave no blot upon his country's record, and that no act within his constitutional control would be tolerated which could not challenge a ready justification before the tribunal of the civilized world. How great the difference between that and the sentiments of the Senator from Illinois! Let the President adhere to these principles, and he will thereby disarm opposition: he will make of those who have heretofore been strong political opponents, some of the warmest friends he has in the world. I put this declaration in contrast with all these gigantic ideas [laughter] of breaking treaties, and going beyond the limits of the country in defiance of them. But if the President should, in opposition to all our hopes and belief, be induced to disregard the faith of treaties, he will hardly progress through half the period of his constitutional term before he will find the great heart of the American people, which is honest to the core, opposed to him, and the most sincere of his present friends will vindicate the justice of the sentence against him, while they sorrow for his fall.

Mr. MASON. I wish to make an explanation in answer to a remark of the Senator from Delaware. As a part of the evidence on which the Committee on Foreign Relations had based the opinion that the British settlements at Honduras Bay lay within the Republic of Guatemala, I adduced the official map of the State of Guatemala. The honorable Senator examined it, and I understood him to say that I had committed a "mistake" when I informed the Senate, and when the committee informed the Senate, that it was shown by that map that the British settlements at Balize were in Guatemala.

Mr. CLAYTON. Yes, the Senator is correct.

Mr. MASON. I understood the honorable Senator to say, that the map of the State of Guatemala which I exhibited, did not show that the settlements at Balize were within the limits of Guatemala. I understood him to say, in language far from being acceptable, that I had committed a "mistake" when I informed the Senate that the map did show it.

Mr. CLAYTON. I wish to say again what I said before. The Senator sent me the map. I thanked him for it. I said I thought that the dotted lines upon the map indicated the boundaries of the State of Guatemala, and that if that were the case, then the dotted lines round the place called Balize

showed that the committee of the Senate had made a great mistake. Now, I do not know (as I then said) whether the Senator had observed those dotted lines, but I think they do clearly indicate that there is a separate Territory, to which perhaps the attention of the Senator had not been directed, intended to be indicated by those dotted lines—that is, the Balize. I know very well he may put a different construction upon the map, but that is the construction which I put on it; and I think if he will examine it himself carefully, he will see that there was some purpose, some motive in the map-maker for making those dotted lines around the country called Balize or British Honduras.

Mr. MASON. Mr. President, it is no light matter to say that a Senator, when in the course of his official duty he endeavors to give information to the Senate, has committed a mistake; and I understood the Senator to say, and say distinctly, that in presenting this map, which I alleged did show that the settlements at Balize were in the Republic of Guatemala, I had committed a mistake. Now, sir, Senators have no right to commit mistakes. A Senator may commit a fault. It may be venial. There may be circumstances that will excuse it or justify it, or that will account for it or explain it; but a mistake in the course of official duty is no light matter, and I submit to the Senator, should not be lightly charged. I understand the honorable Senator to say now, that the dotted lines round that region of country indicated the British possessions. He supposed it had escaped my attention, and therefore I had committed a mistake. He stated to the Senate that the map showed that the possessions did lie in the Republic of Guatemala. Sir, I had examined the map with great care. It had been before me for two months. It is mentioned in the report of the Committee on Foreign Relations. It is relied upon for what it is worth by the report of the committee to show where the possessions are, and I can inform the Senator that those dotted lines did not escape my attention. If he will look at them with the deliberation and care that the committee did, he will find those dotted lines indicate exactly the treaty limits of the settlements as prescribed in 1786.

Mr. CLAYTON. That is what I supposed.

Mr. MASON. Very well; then if the map shows, as it does show, that that territory, no matter what the British title to it is, lies within the limits of Guatemala, the dotted lines must do no more than indicate what the territory is that lay there. Sir, they are as distinct upon this map as they could be exhibited on so small a surface. The limits of these settlements prescribed in the treaty of 1786 are these:

"The English line beginning from the sea shall take the center of the river Sibun or Jabon, and continue up the source of the said river. From thence it shall cross in a straight line the intermediate land until it intersects the river Wallys——

If the Senator will look at these dotted lines he will find that they commence at the source of the river Sibun, and cross to the river Balize or Wallys:

"And by the center of the same river the line shall descend to the point where it will meet the line already settled and marked out by the commissaries of the two Crowns in 1783, which limits, following the continuation of said line, shall be observed as formally stipulated by the definitive treaty."

The Senator will find that on this map of Guatemala, representing what Guatemala claims as its territory, the British possessions are within the territory of Guatemala, and that the dotted lines are only to indicate those provided by the treaty of 1786, as the lines of the British settlements. I understood the Senator to say yesterday that the map did not show what the committee, and what I claimed it did show, because of the dotted lines. Now, if the Senator understands me, I mean to say this: The map shows that the settlements are in the limits of the State of Guatemala; and the dotted lines indicate nothing more than the positions of the settlements in the State of Guatemala.

Mr. CLAYTON. I have no doubt the Senator understands the matter as he explains it, but I am perfectly willing to submit the question to any set of intelligent men, whom he will select to look at the map, and I am willing to abide by their decision upon the very question which he has chosen to submit. I have taken my view of the matter, and he has taken his. Let others examine it, and they will see whether the Balize settlements are included in the State of Guatamala.

Mr. DOUGLAS. I have something to say in reply to the remarks of the Senator from Delaware. It is not my purpose to introduce any new points in the discussion.

Mr. SHIELDS. If my colleague will give way, I will move an adjournment. He can go on to-morrow.

Mr. DOUGLAS. I am willing to give way for that, and go on in the morning with what I have to say.

On motion the Senate adjourned.

WEDNESDAY, *March* 16, 1853.

Prayer by the Rev. C. M. BUTLER.

Mr. ADAMS. I move that the Senate proceed to the consideration of the resolution which lies upon your table, providing that the Senate will at this session proceed to the election of the Secretary and Sergeant-at-Arms of the Senate.

The motion was agreed to; and the resolution was taken up for consideration.

Mr. ADAMS. I desire to say that in offering that resolution I do not wish to be understood as giving any expression of opinion unfavorable to the incumbents of those offices. I believe the Senate has the right to elect its own officers at the commencement of each Congressional term, and I offer this resolution to assert that privilege, and not to intimate an opposition to our officers. In the resolution I omitted to insert the Doorkeeper, and therefore I move to amend the resolution by including that officer.

The amendment was agreed to.

Mr. BADGER. I move to strike out the words "this session," and to make it more definite, by inserting "to-morrow at one o'clock."

Mr. ADAMS. I assent to that.

Mr. MASON. I have no objection to the amendment of the Senator from North Carolina; but I have an objection to going into an election of these officers at this time. The attendance in the Senate is small; many Senators have gone home, not expecting such action at this session.

Mr. ADAMS. If the Senator from Virginia will move to amend the resolution by striking out "to-morrow at one o'clock" and inserting "next session," we can have a test vote on that.

Mr. MASON. I shall make no motion. I am only giving my personal impression.

Mr. BADGER. I did not mean, by my suggestion, to intimate that I thought the resolution desirable. I have no objection to it; but I think if this business has to be done, it may as well be done now as at the next session. This is the commencement of the Congress; and if the resolution is to be adopted, I think it better to mention in the resolution the precise time of election, that Senators may have notice to attend.

Mr. ADAMS. I accept the suggestion of the Senator from North Carolina, and hope the resolution will be so modified. All I want is a test vote upon the question.

The resolution as modified was agreed to.

THE CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolution submitted on the 7th instant by the Senator from Delaware, in relation to the Clayton-Bulwer treaty.

Mr. DOUGLAS. Mr. President, I had a right to expect that the Senator from Delaware, in his reply, would have ventured upon an argument against the positions which I had assumed in my former speech, and which he had assailed. It will be observed, upon a close examination, that he has evaded nearly every point in controversy between us, under the cover of free indulgence in coarse personalities. I do not complain of this. He had a right to choose his own course of discussion. Perhaps it was prudent in him to pursue the course which he adopted. I shall not follow his example, however. I may not have the same inducements that may have prompted him. If I had been driven from nearly every position I had assumed in debate—if nearly every material fact I had asserted had been negatived and disproved by official documents bearing my own signatures—if I had been convicted of giving one explanation of my conduct at one time, and at other times different and contradictory reasons, I might be prompted to seek refuge under personalities from the exposure that might be made. Sir, I pass that all by.

The Senator, as a last resort, attempted to get up unkind feelings between my political friends and myself in regard to this debate. He endeavored to show that my speech was an assault upon every Senator who took a different course. He went further, and charged that I, as a presidential candidate, was pursuing this course in order to destroy and break down rivals in my own party. Sir, these insidious and disreputable assaults do not disturb my equanimity. The object is to enlist, from prejudice and unworthy motives, a sympathy in the course of discussion which he has attempted to maintain. But I appeal to the Senate if I assailed any Senator upon this floor, either in regard to the Hise treaty or the Clayton and Bulwer treaty. I appeal to the Senate if I mentioned the name of any Senator, or stated how any one man had voted. I did not disclose even how the vote stood. No citizen in America would have known the vote of any Senator on this floor from my speech, or from my participation in the recent discussion; and I have yet to learn that a vindication of my own course involves an assault upon those who chose to differ with me. I have not understood the speeches of the Senator from Michigan [Mr. CASS] and of the Senator from Virginia, [Mr. MASON,] and of other Senators, who have spoken on this question in opposition to some of my views, as an attack on myself. It was their duty to vindicate their own course, and give the reasons which prompted them; and it was my right and my duty to give the reasons which induced and compelled me to pursue the course that I did.

I do not choose to occupy the time of the Senate in a matter that partakes so much of a personal character. But the Senator cannot avail himself of that argument in vindication of his course in suppressing the Hise treaty. He is not supported by that array of names which he has produced for that act. No one of the Senators ever did sustain him, so far as I know, in suppressing the Hise treaty. That treaty was never submitted to the Senate for ratification. The Senate were never permitted to examine it. The treaty, to this day, has been withheld from the Senate. You will have to go elsewhere than to the files of this body to find that treaty. How can it be said that Senators have sustained him in his rejection of the Hise treaty, when he had deprived the Senate of an opportunity of showing whether they were for or against it? Sir, he cannot have the benefit of those names which he has quoted to shelter him upon that point.

Again, sir, he has quoted all the eminent names from General Jackson down to the present time, to support him in his refusal to accept of the exclusive control of the canal for his own country. Sir, he has no authority thus to quote them; he has no authority for saying that any one of those eminent statesmen were opposed to such a privilege as the Hise treaty showed that we could have acquired. It is true that when Central America granted a privilege to a company in the Netherlands to make this canal, the administration of General Jackson, under that state of facts, were content with asserting our right to an equal participation. It is also true that when a Frenchman had procured a charter for a railroad across the Isthmus of Panama, and thus it had gone into the hands of foreigners, the administration of President Polk were content to assert our claim to an equal right. But it is not true that either of them ever refused to accept an exclusive privilege for this country when voluntarily tendered to them.

I am not going to occupy the attention of the Senate with an array of names for or against this proposition. I quoted no names in my first argument. I addressed myself to the merits of the question, and chose to decide it by arguments upon its merits, and not by the authority of great names. I would rather see the Senator sustain his position now by arguments upon the merits of his own official action, and not by an appeal to the action of great men who lived at a different period, and whose acts were dependent upon entirely different circumstances.

One word more, and I proceed to the main point at issue. The Senator has accused me of having attempted to make this a party question. How did I attempt it? In my speech of February last, to which he replied, he cannot find the term Whig or Democrat, or a political allusion, or a partisan argument. I explained my own principle of action as evinced in my votes; and I expressly stated that they were not sanctioned by either Whig or Democratic Administrations upon some of the points. I did not invoke the aid or the sympathy of party. I was willing to stand upon the truth and the soundness of my own record, and leave the future to determine whether I was right or wrong on the question. Sir, partisan politics have been introduced by the Senator, and not by me. The Senator, in his speech in reply to me, endeavored to show that Democratic Administrations have done this, and Democratic Administrations have done that, and appealed to partisan authority, to sustain himself. I admit his right to introduce party questions, and to appeal to party names as authority. I had not done it, and I deny his right to charge it upon me. Sir, I invoked the aid of no partisan feeling or party organization for the support of the position I maintained. But when the Senator showed that a majority of my own party, on the ratification of the Clayton and Bulwer treaty, had recorded their names in opposition to mine, he ought to have been content, without charging that I was making it a party question. It was not a very agreeable thing to me to be compelled to differ with three fourths of the Senate, including a majority of my own political friends, and nothing but a sense of duty to my own character would have compelled me to take the responsibility of such a course.

Now, let us go back to the real point. Why all these attempts to avoid the main issue? In the first place the Senator denied that he was responsible for not sending the Hise treaty to the Senate, inasmuch as it had been rejected by Central America. Then, when I showed that the rejection of that treaty was procured by his own agent in obedience to his instructions, he denied the existence of the instructions. When I produced the instructions, and showed that the agent acted in obedience to what he believed to be their true meaning, the Senator acknowledged his opposition to the treaty, and justified it upon the ground that it guarantied the independence of Nicaragua. When I showed that he could not have objected to it on that ground, for the reason that at that very time he proposed a guarantee, in connection with Great Britain, of the independence of Nicaragua, he abandons that position, and is driven to the extremity of seeking refuge under what he chooses to consider obnoxious details. When I showed that his objections to the details could not avail him, because it was no reason for withholding the treaty according to the usages of the Senate, he then comes to the point that it was better to have a partnership privilege than an exclusive one. That brings us to the real question. Why could we not have come to it at once? If he was right in his preference for a European partnership over an exclusive privilege to his own country, why did he not avow the fact at once and justify his conduct, instead of wasting the time of the Senate in requiring me to prove facts which ought to have been confessed, and which have been proven by his own written testimony, in opposition to his own denial?

In his last speech the Senator chose to persevere in representing me as the advocate of a canal to be made through Central America, with funds from the Treasury of the United States. I need not remind the Senator that he had no authority, from anything I have said, to attribute to me such a purpose. I certainly did not assume any such position, while my remarks were calculated to negative such an idea. My position was this: that while negotiating for the right of way for a canal from the Atlantic to the Pacific, we should have accepted the offer to our own Government of the exclusive right to control it, instead of a partnership with England and the other Powers of the earth. The Hise treaty granted the privilege either to the United States or to an American company under our protection, at our option. I insisted that we had the same right to take it to ourselves that we had to take it jointly with other Powers. It required no further exertion of the constitutional power to execute and maintain and regulate an exclusive privilege to America than it did to execute and maintain a partnership privilege with European Powers. Hence his objections upon that score must fall to the ground. The simple question was, whether it would have been wise to accept that privilege. Sir, I think it would have been. I am not going to repeat the argument I made the other day upon that point. If it had been given to us, we could have opened the canal to the world upon such terms as we deemed proper. We could have withdrawn the use of it whenever a nation failed to respect our rights. It would have been a bond of peace instead of being an apple of discord between us and other nations; because when you bring all the great Powers of the earth into partnership, constant disputes arise as to the nature and extent of the rights of the respective parties. The history of these negotiations proves this fact.

But, sir, let me ask the Senator what he has gained by his rejection of the Hise treaty? He has given the world to understand by his speeches that he has accomplished two great objects: the one to open a canal between the Atlantic and the Pacific oceans; the other to put a stop to British encroachments in Central America. Has he accomplished either of those objects? I ask what privilege he has gained to make a canal? He has not even secured the right of way for a canal, either jointly or separately. He is responsible for having defeated the project of a canal between the two oceans. He refused the grant of the right of way, because it gave the right to control the work exclusively to his own country. The treaty which he caused to be made failed to receive the sanction of the Senate. Thus we are left without any right of way—without any charter, right, or privilege. Instead of accomplishing that object, he is responsible for its defeat. All that he has to boast of is, that he deprived his own country of an inestimable privilege, the necessity and importance of which is now conceded on all hands.

What, then, have we gained by his diplomacy? Why, sir, after having failed in getting the privilege of making the canal, either jointly or separately, he makes a treaty with Great Britain by which, if we hereafter secure it, the privilege is given to Great Britain as well as to ourselves. The Clayton and Bulwer treaty provides that any right of way or communication which may be secured at any future time, shall be open alike to England and the United States, and under the joint control and protection of the two Powers. We have a treaty with England about a canal in Central America, but we have none with any of the Central American States. Let me ask, then, how much have we gained? Has he expelled the British from Central America by his treaty? What inch of country have they given up? What right have they abandoned? What functionary have they withdrawn? Where is the evidence that you have driven the British from Central America? Are they not still in the full enjoyment of their protectorate upon the Mosquito coast? Have you driven them from the Balize?

The Senator from Michigan, [Mr. CASS,] and the chairman of the Committee on Foreign Relations, [Mr. MASON,] in their speeches, have maintained that the Clayton and Bulwer treaty would fairly include the Balize as a part of Central America. But the Senator from Delaware, while acting as the Secretary of State, gave a construction to that treaty which excludes the Balize. The Senator, therefore, is estopped from saying that he has expelled the British from the Balize. The fact shows that he has not driven the British protectorate from the coast. We find that instead of leaving Central America, the British have not only established a colony at the Bay Islands, but, if the newspaper information received by the last steamers can be credited, they have bombarded the towns upon the main land, and taken forcible possession of a part of the State of Honduras. Then I repeat the question to the Senator, what has he gained? I can tell him what has resulted from his negotiation. He has recognized the right of Great Britain and all European Powers to interfere with the affairs of the American States. He has recognized that right by a treaty; and he has guarantied to England that we will use our good offices to enable them to enter into arrangements with these Central American States. He has excluded the idea that the question of the Central American States is an American question, and by his negotiation has opened it as a European question. In other words, he has, by his treaty, abolished what is known as the Monroe doctrine with reference to a large portion of the American continent.

This brings me to the examination of another question. The Senator from Delaware chose to arraign me upon that portion of my speech, in which I stated that I was unwilling to give a pledge never to annex any more territory to the United States. He then went on to argue against annexation, said we were pledged, and that the pledge given was correct, and attempted to vindicate it. He arraigned me for having said that such a treaty could not be enforced through all time to come. I explained to him that my idea was that the growth of this country was so great and so rapid that the barriers of any treaty would be irresistibly broken through by natural causes, over which we had no control; and hence that the treaty ought not to have been made. He told me that the explanation made it worse, and that he would show that the doctrine involved moral turpitude; that he was amazed and grieved that any one here from this high place should proclaim such a sentiment.

Sir, I will proceed to show my authority on that point, which I think he will be compelled to respect. In taking that position, I only reiterated the doctrine proclaimed by the late Secretary of State, and now Senator from Massachusetts, [Mr. EVERETT,] in his letter to the Comte De Sartiges, a few months ago, in respect to the Island of Cuba; and when the Senator from Delaware arraigns me for uttering sentiments involving a want of respect for treaty stipulations, or moral turpitude, I will turn him over to the Senator from Massachusetts and to ex-President Fillmore, and allow them to settle that issue between themselves. I wish to call the attention of the Senate to the letter of Mr. EVERETT to the Comte De Sartiges. In that letter you find the following passage in regard to a proposed convention stipulating that we would never annex Cuba:

"The convention would be of no value unless it were lasting; accordingly its terms express a perpetuity of purpose and obligation. NOW, IT MAY WELL BE DOUBTED WHETHER THE CONSTITUTION OF THE UNITED STATES WOULD ALLOW THE TREATY-MAKING POWER TO IMPOSE A PERMANENT DISABILITY ON THE AMERICAN GOVERNMENT FOR ALL COMING TIME, AND PREVENT IT, UNDER ANY FUTURE CHANGE OF CIRCUMSTANCES, FROM DOING WHAT HAS BEEN SO OFTEN DONE IN TIMES PAST. In 1803 the United States purchased Louisiana of France, and in 1819 they purchased Florida of Spain. IT IS NOT WITHIN THE COMPETENCE OF THE TREATY-MAKING POWER IN 1852 EFFECTUALLY TO BIND THE GOVERNMENT IN ALL ITS BRANCHES; AND FOR ALL COMING TIME NOT TO MAKE A SIMILAR PURCHASE OF CUBA."

The Senator from Delaware will see that the late Secretary of State, Mr. Everett, by the direction of President Fillmore, has pronounced such a guarantee to be a violation of the Constitution of the United States, and the exercise of an authority not conferred by that instrument. Sir, if the Constitution gave no authority to make a pledge by this Government that we will never annex Cuba, I suppose it does not authorize a pledge never to annex Central America. The constitutional objection applies to the Clayton and Bulwer treaty, in relation to Central America, with the same force that it did to the proposed convention in respect to Cuba. They take higher ground than I did. I was not willing to do that which would involve a breach of faith in the progress of events. But I did not go so far as to deny the constitutional power to make such a treaty. And, therefore, I ask the Senator why he did not arraign President Fillmore—why did he not arraign the late Secretary of State, Mr. Everett, for uttering those monstrous sentiments, instead of hurling his anathemas upon my head, as if I had been the only man in America who ever ventured to proclaim such opinions? According to the opinions of President Fillmore, and his Secretary of State, as promulged in Mr. Everett's celebrated letter, and applauded by the almost unanimous voice of the American people, the Clayton and Bulwer treaty was a palpable violation of the Constitution of the United States. But Mr. Fillmore and Mr. Everett were not content with denying the power of this Government,

under the Constitution, to enter into this treaty stipulation. They deny its propriety, its justice, its wisdom, as well as the right to make it. I will read a passage upon this point:

"*There is another strong objection to the proposed agreement.* AMONG THE OLDEST TRADITIONS OF THE FEDERAL GOVERNMENT IS AN AVERSION TO POLITICAL ALLIANCES WITH EUROPEAN POWERS. In his memorable Farewell Address, President Washington says: 'The great rule of 'conduct for us in regard to foreign nations is, in extending 'our commercial relations to have with them as little politi-'cal connection as possible. So far as we have already 'formed engagements let them be fulfilled with perfect good 'faith. Here let us stop.' President Jefferson, in his inaugural address, in 1801, warned the country against entangling alliances. This expression, now become proverbial, was unquestionably used by Mr. Jefferson in reference to the alliance with France of 1778, an alliance at the time of incalculable benefit to the United States, but which in less than twenty years came near involving us in the wars of the French Revolution, and laid the foundation of heavy claims upon Congress not extinguished to the present day. It is a significant coincidence that the particular provision of the alliance which occasioned these evils was that under which France called upon us to aid her in defending her West Indian possessions against England. Nothing less than the unbounded influence of Washington rescued the Union from the perils of that crisis and preserved our neutrality."

As the Senator from Delaware is fond of the authority of great names, I not only furnish him with the name of the late Secretary of State, and that of the late President of the United States, upon the points to which I have referred, but I have the authority of these gentlemen for saying that his doctrine with regard to Central America is in violation of the solemn warnings of the Father of his Country, and in derogation of the protests of Mr. Jefferson, repeated over and over again during his eventful life. I find that the late Secretary of State has again, in another passage, summed up the objections which I entertained to the Clayton and Bulwer treaty, and I will call the attention of the Senate to it. It is this:

"*But the President has a graver objection to entering into the proposed convention.* HE HAS NO WISH TO DISGUISE THE FEELING, THAT THE COMPACT, ALTHOUGH EQUAL IN ITS TERMS, WOULD BE VERY UNEQUAL IN SUBSTANCE. France and England, by entering into it, would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European Power, whose natural right to possess it must always be as good as their own—a distant island, in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present balance of power in Europe should be broken up; if Spain should become unable to maintain the island in her possession, and France and England should be engaged in a death-struggle with each other, Cuba might then be the prize of the victor. Till these events all take place, the President does not see how Cuba can belong to any European Power but Spain. THE UNITED STATES, ON THE OTHER HAND, WOULD, BY THE PROPOSED CONVENTION, DISABLE THEMSELVES FROM MAKING AN ACQUISITION WHICH MIGHT TAKE PLACE WITHOUT ANY DISTURBANCE OF EXISTING FOREIGN RELATIONS, AND IN THE NATURAL ORDER OF THINGS."

If the proposed guarantee never to annex Cuba was not reciprocal as between the United States and England, how is it that it can be said that a similar guarantee respecting Central America was reciprocal? Every argument urged by the late Secretary of State against reciprocity in one, applies with equal force to the other. It may be said that Cuba stands at the entrance of the Gulf of Mexico; but it can be said with equal truth that Central America is upon the public highway to our Pacific possessions. Both stand as gates to this public highway, and every argument urged in relation to the one is equally applicable to the other.

Now I have to quote the late Secretary of State and President Fillmore against the Senator from Delaware on another point. When I remarked that the history of this country showed that our growth and expansion could not be resisted, and would inevitably break through whatever barriers might be erected by the present generation to restrain our future progress, the Senator from Delaware assumed the right to rebuke me for uttering sentiments implying perfidy and moral turpitude. He desired to know if sentiments of that kind were to be tolerated in the American Senate? Let him hear his friend from Massachusetts on that point, in the same document:

"*That a convention such as is proposed would be a* TRANSITORY ARRANGEMENT, SURE TO BE SWEPT AWAY BY THE IRRESISTIBLE TIDE OF AFFAIRS IN A NEW COUNTRY, IS, TO THE APPREHENSION OF THE PRESIDENT, TOO OBVIOUS TO REQUIRE A LABORED ARGUMENT. *The project rests on principles* APPLICABLE, *if at all,* TO EUROPE, *where international relations are in their basis of great antiquity, slowly modified for the most part in the progress of time and events; and* NOT APPLICABLE TO AMERICA, *which, but lately a waste, is filling up with intense rapidity, and adjusting, on natural principles, those territorial relations which on the first discovery of the continent were in a good degree fortuitous.*" * * * * *

"But whatever may be thought of these last suggestions, *it would seem impossible for any one who reflects upon the events glanced at in this note to mistake the* LAW OF AMERICAN GROWTH AND PROGRESS, OR THINK IT CAN BE ULTIMATELY ARRESTED BY A CONVENTION LIKE THAT PROPOSED. *In the judgment of the President,* IT WOULD BE AS EASY TO THROW A DAM FROM CAPE FLORIDA TO CUBA, IN THE HOPE OF STOPPING THE FLOW OF THE GULF STREAM, AS TO ATTEMPT, BY A COMPACT LIKE THIS, TO FIX THE FORTUNES OF CUBA, NOW AND FOR HEREAFTER, OR, as expressed in the French text of the convention, 'pour le present comme pour l'avenir,' THAT IS, FOR ALL COMING TIME."

There the Senator is told that such a stipulation might be applicable to European politics, but would be unsuited and unfitted to American affairs; that he has mistaken entirely the system of policy which should be applied to our own country; that he has predicated his action upon those old, antiquated notions which belong to the stationary and retrograde movements of the Old World, and find no sympathy in the youthful, uprising aspirations of the American heart. I indorse fully the sentiment. I insist that there is a difference, a wide difference, between the system of policy which should be pursued in America and that which would be applicable to Europe. Europe is antiquated, decrepit, tottering on the verge of dissolution. When you visit her, the objects which enlist your highest admiration are the relics of past greatness; the broken columns erected to departed power. It is one vast grave-yard, where you find here a tomb indicating the burial of the arts; there a monument marking the spot where liberty expired; another to the memory of a great man, whose place has never been filled. The choicest products of her classic soil consist in relics, which remain as sad memorials of departed glory and fallen greatness! They bring up the memories of the dead, but inspire no hope for the living! Here everything is fresh, blooming, expanding, and advancing. We wish a wise, practical policy adapted to our condition and position. Sir, the statesman who would shape the policy of America by European models, has failed to perceive the antagonism which exists in the relative position, history, institutions—in everything pertaining to the Old and the New World.

The Senator from Delaware seems always to have had his back turned upon his own country, and his eye intently fixed upon Europe as the polar star of all his observations. If it would not qe deemed an indelicate interposition between the Senator from Delaware and his friend from Massachusetts, [Mr. EVERETT,] I should be inclined to say that the criticism of the late Secretary of State, although not intended for the Senator from Delaware, is strictly applicable to his diplomacy, and fully deserved. I shall not go into the discussion of that question, however. I deny the right of the Senator from Delaware to come back at me on that point. I shall certainly turn him over to his friend from Massachusetts, [Mr. EVERETT,] because he will not dare to accuse him of political prejudices and partisan feelings. He has said severer things of the Senator's diplomacy than I thought the rules of the Senate would authorize me to indulge in. The ex-President of the United States has sanctioned them, and now I think I am at liberty to refer to them, for if it were not within the rules of courtesy and diplomacy, they would not be sent here. But, sir, I may be permitted to add that the nation has sanctioned them too; for I am not aware that a State paper was ever issued in America that received a heartier response in most of its principles, than the letter of the late Secretary of State to the Comte de Sartiges, to which I have referred. Sir, if he had done nothing else to render his administration of the State Department illustrious, his name would live in all coming time in that diplomatic letter, as one who could appreciate the spirit of the age, and perceive the destiny of the nation. No document has ever received such a universal sanction of the American people as the one to which I have referred, condemning and repudiating the diplomacy of the Senator from Delaware in relation to the American continent.

Mr. President, I have not much more to add. The Senator has arraigned me also for having attempted to arouse unkind feelings between the United States and England. I deny that the arraignment is just. I have attempted no such thing. I have never attempted to foster jealousies or unkind feelings between our own country and any other. I have attempted to plant our relations on amicable terms, by speaking the truth plainly as we and they know it to exist. The remarks that I have made about friendly relations between the two countries, were drawn out by his statement that England was known to be so "friendly" to us. I said to him I did not think the friendly relations of England constituted any claim upon our gratitude. I have seen no evidence of that friendship. I said frankly I did not think that England loved us, and it was useless for us to pretend that we loved her. The history of the two countries proves it. The daily action of the two countries proves it. England is spending her millions to maintain her fortifications all along our coast—at the Bermudas, the Bahamas, and at Jamaica, and on every rock and barren waste along the American coast. What does she keep them up for? Does she make money out of them? Why, you all know that they are a source of unbounded expenditure to her. Does it extend her commerce? Does it employ her shipping? Not at all. Why does she keep them? In order to point her guns at America.

Well, if she is so friendly to us, and we are so friendly to her, what necessity is there for pointing her cannon all the time at us? And if these are evidences of friendship, why do we not reciprocate it by sending over a few cannon and planting them on every little island and rock near her coast? If we were to seize upon rock and expend millions in keeping up fortifications all along her coast, would that be any evidence of friendly feeling on our part towards England? I do not so see it.

Again: the moment it was discovered that we were to acquire California as a consequence of the Mexican war, England sent her armed ships and seized possession of the town of San Juan; and I have the authority of the Senator from Delaware for saying there is reason to believe that the act was done out of hostility to the American Government. Why did she want the town of San Juan? Simply for the reason that by the Mexican treaty our possessions had been enlarged upon the Pacific coast, and it evidently became necessary, in order to preserve this Union and maintain our commerce, that we should have the line of intercommunication between the two oceans so as to connect the Atlantic and Pacific States together; and therefore, in order to cut off our right of way, in order to establish a toll-gate upon our public highway, she seized possession of that point as the one from which she could annoy us most.

The Senator will not pretend that he believes that act originated in friendly feelings towards us on the part of England. I have his authority in his public documents for saying that he believes it originated in motives of jealousy and hostility. The object was, not to advance her own interest, not to increase her own commerce, not to extend her own power, but to restrain, fetter, and cripple our energies and our power. Are these acts evidence of friendship on her part towards us, and are we so constituted that we feel grateful for them? Sir, let us not play the hypocrite upon this subject. Let us speak out the naked truth, plainly, and boldly. We feel that this seizure of every rock and island upon our coast, and converting them into garrisoned fortresses, with guns to bear on American commerce and American interests, are no evidence of friendship. We feel that these attempts to surround and fetter us, and hem us in, are evidences of hostility, which it is our duty plainly to see and boldly to resist. Sir, the way to establish friendly relations with England is, to let her know that we are not so stupid as not to understand her policy, nor so pusillanimous as to submit to her aggressions. The moment she understands that we mean what we say, and will carry out any principle we profess, she will be very careful not to create any point of difference between us. It is a want of candor and frankness that keeps the two nations in conflict with each other. I say, that as long as this policy of hemming us in, and fettering us, and trying to restrain our growth and curtail our power continues, we cannot feel friendly and kindly towards

her; and so long as she persists in that policy, we ought not to believe that she feels kindly towards us. If we tell her so, she will do one of two things; either abandon her aggressive course, or avow her hostility: and of all things let us know whether she is our friend or our enemy. Therefore, I will repeat very frankly, that it is useless to endeavor to conceal the fact that there are jealousies between us and England growing out of rival interests, and that her policy has for its aim to restrain our power rather than increasing her own. Our policy is, to enhance our own power and greatness, without attempting to restrain hers. Ours is generous, honorable, and justifiable; hers is illiberal, unkind, unjust, and we ought to tell her so.

I believe, Mr. President, I have said all I have to say upon this question. My object has been simply to reply to the points raised by the Senator in his speech. I do not wish to travel over the ground again. There are many other points in the discussion into which I could have gone. There are many other positions that the documents which have been lately published would furnish me ample material for prolonging the discussion, but I do not wish to occupy the time of the Senate. I only wish to show that the real points at issue are: first, that the Senator preferred a partnership with England to an exclusive privilege to his own country for the great interoceanic canal. Secondly, that he believes in the policy of pledging this country never to annex any more territory in all time to come. I repudiate that policy. These are the main points between us, and the last point, in the course of the discussion, seems to have become the material one. He is opposed to all further annexation, and wishes to make treaties now to restrain us in all time to come from extending our possessions.

I do not wish to annex any more territory now. But I avow freely that I foresee the day when you will be compelled to do it, and cannot help it, and when treaties cannot prevent the consummation of the act. Hence my policy would be to hold the control of our own action, give no pledges upon the subject, but bide our time, and be at liberty to do whatever our interest, our honor, and duty require when the time for action may come. An old, decrepit nation, tottering and ready to fall to pieces, may well seek for pledges and guarantees from a youthful, vigorous, growing Power, to protect her in her old age. But a young nation, with all of her freshness, vigor, and youth, desires no limits fixed to her greatness, no boundaries to her future growth. She desires to be left free to exercise her own powers, exert her own energies, according to her own sense of duty, in all coming time. This, sir, is the main issue between us, and I am ready to submit it to the Senate and to the country.

Mr. BUTLER. Mr. President, if this were a mere gladiatorial contest between the honorable Senators from Illinois and Delaware, I might forbear entering into the discussion; but topics have been discussed, doctrines avowed, and sentiments expressed, from which I wholly dissent. I do not propose now to go into the questions which have been raised in the discussion of this subject itself. I thought it unfortunate when the subject was first introduced by the Senator from Michigan. It has given rise, in my deliberate judgment, to an unpropitious discussion of matters connected with our foreign relations. Sir, when delicate questions of diplomacy and of our relations with other Governments shall become the subject of open discussion in this Senate—nay, more, sir, the subject of political agitation and of party issues—we cannot hope to be favorably regarded by that kind of judgment which history dictates, and which is far superior, in my opinion, to the ephemeral opinions of the day. I heard the Senator from Illinois with great interest, and perhaps the ability with which he has spoken has, in some measure, reconciled us to the discussion itself, whilst it has not vindicated its original introduction; but I heard him avow an opinion from which I wholly dissent; and it was, as I understood him—and I wish the Senator to understand me, for I intend to make my proposition intelligible, and to exempt it from the questions mainly at issue between himself and the Senator from Delaware—I understood him to maintain this proposition: That the Hise treaty, repugnant essentially in nearly all of its provisions to the Constitution of the United States, and at variance with the general usage of the Government, should have been sent by the President to the Senate for its consideration, and there to be moulded and amended in a form so as to serve one single view entertained by the gentleman from Illinois. The treaty was not only entered into by one without authority, but its entire predicate is in ignorance and disregard of the constitutional powers of this Government.

Mr. DOUGLAS. I will restate my position. I stated expressly the other day, and intended to express the same idea now, that when the Hise treaty came to the State Department, it having been executed without authority, the Department was entirely at liberty either to withhold it or reject it unconditionally, or send it to the Senate, as it saw proper. The rule, as I understand it, is, that when a treaty is made in pursuance of instruction, the Department is under obligation implied to the foreign Power, to send it here. When one is made without instruction, it may or may not send it as it sees proper; and I said, if the Senator from Delaware had been in favor of the exclusive privilege, and only objected to the details of the Hise treaty, it was his duty to send the treaty here that the objects desired might be secured.

Mr. BUTLER. In that I differ entirely from the Senator from Illinois, as a cardinal principle affecting the functionary agency of this Government. The President of the United States is exclusively vested with the power of making treaties and having them perfected by the concurrence of two thirds of the Senate; and, sir, it is the duty of the President to send a treaty down, an entire treaty, without expecting the Senate to perfect it for him.

Mr. DOUGLAS. Will the Senator allow me to make my meaning intelligible to him?

Mr. BUTLER. Not now; because I am going on to say further, that the President of the United States, in my deliberate judgment, ought not to have sent the Hise treaty to the Senate, for it contained provisions that could receive the sanction of not only no Senator upon this floor, but of no jurist that can read and understand the Constitution of the United States. He dared not, according to my judgment, have sent it here. I suppose the Senator from Illinois will admit that there were provisions wholly repugnant to the Constitution in that treaty, and they were the essential and leading provisions constituting the staple of the treaty; they were not mere omissions or incidental objections. I am not going to enter into the contest which is carried on between the Senators from Illinois and Delaware. It is as a Senator of the United States that I wish to express my opinion upon the single proposition referred to, and one I consider of cardinal interest and importance, and one that may affect deeply the practical and constitutional workings of this Government—confounding the functions of one department of the Government with those which properly belong to another; in other words, making the Senate, which is but the advisory part of the treaty-making power, assume a primary jurisdiction and responsibility. I take the broad ground, that the President ought to perfect the treaty in its essential provisions, and such as would receive the sanction of his judgment, before he sends it at all to the Senate for its consideration and concurrence; and when it contains provisions repugnant to the Constitution of the United States, he should not send it. I know that the honorable Senator, if he should ever occupy that place, would not do it; yet I understood him to say that the Hise treaty should have been sent here; that we should have taken, amended, and moulded it in such a way as to subserve the great objects contemplated. That could not be, according to the organization of this Government. The President has no right to send any but a treaty that he approves. I maintain the broad proposition, that the President of the United States should send the treaty down as an entirety, and ask the Senate to ratify it or not, and amend it in such a way as to make it conform to the essential provisions, which had received the approbation of the President. But to send a treaty down here, and ask the Senate to mould it in such a way as to make it proper, would be changing the whole function of this Government, and would be a dangerous innovation. It would be something like the very innovation which has taken place by this debate—the making of this body the initiatory organ in relation to matters of diplomacy. Now what would be thought of such a procedure as this: Suppose the President were to send to the Senate a treaty with many provisions not having his approbation, with a recommendation that the Senate would take a single provision of minor importance and graft upon it all other provisions that would make it an acceptable treaty? This would be, in my opinion, inverting the organic action of the Government. It would be devolving upon the Senate the function of making a treaty, and asking the President to concur in it. Whereas, by the Constitution of the United States, "He shall have power, by and with the 'advice and consent of the Senate, *to make treaties*, 'provided two thirds of the Senators present con-'cur." From this, it is clear that it was contemplated that the Senate should be a reviewing and concurring body in and of a treaty already made by the President.

I rose merely to make this remark; but, sir, I am pledged in some measure to my constituents to discuss this subject fully. I am not prepared to do it now, because I do not think I ought to interfere in such a debate as has been going on. Whilst I shall forbear at present from entering into the general topics of the debate, I must allow myself to make one or two remarks, and I shall make them in perfect kindness to the Senator from Illinois. I do not undertake to say that the expansibility of our system is to be restrained by treaties. I do not mean to say that our progress is to be retarded in that way. Why, sir, the progress of human events is beyond the absolute control of any written law. It was unwise when Lycurgus made a code of laws which was never to be changed, and left his country with an injunction that it never should be changed. Laws are stationary, things are progressive. I concede that much to the honorable Senator from Illinois. But, when I am told that the United States, as a civilized confederacy of Republics, are not to resort to the ordinary appliances of civilization to conduct their concerns and intercourse with the world by treaties, and that they are not to observe their obligations, or that they will not be restrained by them, but that the aggressive spirit of progress has no other or higher law than the temptation of interest and policy, I do feel that if that prevails, we may grow fast, but we cannot live long. Nations, as well as individuals, must submit to the penalties of transgression; and if the historian who is to write the history of this day, or of the events which are now transpiring with such eventful interest, were to pass his judgment, a part of that judgment would be, that whenever the United States in the spirit of progress, the spirit of aggressive progress, shall maintain, or shall have illustrated the doctrine that "might makes right," and that treaties can be violated with impunity, it was one of the elements of their decay. It seems to me that the doctrine of the honorable Senator from Illinois would make us a people to illustrate the destiny of Benjamin: "He shall raven as a wolf: in the morning he shall devour the prey, and at night he shall divide the spoil."

Sir, are we to fulfill that destiny, without law, without constraint? In my deliberate judgment, treaties and constitutions and laws are the restraining influences to prevent us from running with an acceleration that is likely to result in ruin. I love the restraints of treaties. I love all the restraints and controlling influences of civilization. I do not wish American society and the American Government to be like the Numidian cavalry, riding with spurs, and without bridles, to rush impetuously into the charge, perhaps to be successful for a moment, but to perish in the end. Sir, I want the bridle. The very thing which I want is the bridle, to restrain and control, and not altogether the spurs, to drive you on with ruinous impetuosity. Treaties must be resorted to. They are the very things upon which civilized nations must rely. All treaties, in their ordinary language, are made to be perpetual; and yet we know that they never have been perpetual. They impose upon the parties making them the obligation of good faith; they are leagues of honorable

covenants for the mutual benefit of the parties to them. In the progress of events it may become the interest of both parties to remodel and amend them by mutual consent. They are founded upon the assumption, that mutual good faith will preserve them. There are occasions when they might become unjust and oppressive upon one of the parties; and without a mutual release from their obligations, it might be an occasion calling for the highest exercise of sovereign judgment. In such cases the last arbiter of nations must come in to decide the differences. The occasion, in the contemplation of the great tribunal of nations, must furnish its own justification, and such as cannot be the subject of definite prescription.

The Senator from Illinois remarked, that if we wanted Mexico, the treaty we have made could not restrain the acquisition, or something of the same import. Now it may follow that we may not have to take Mexico against her consent; her interest as well as ours, may conform to the law of progress, to which the gentleman has so often alluded. That is, if we want Mexico, Mexico will be just as well prepared to accede to our terms as we are to hers to annul the treaty; or if we want Cuba, it may be our interest to have it, or if another nation attempts to put her hand on Cuba against our policy or consent, what is the resort? War. We resort to it, as every other nation resorts to any measure of policy, under the sanction of its own judgment. Each nation is entirely the judge of its own rights. But, sir, what would be the justification of war? There is a higher tribunal than ourselves. I hope there is a tribunal in Heaven, to which nations will appeal. But history and posterity are the tribunals to which we should look, and not to the tribunal that we may erect for our own pleadings upon a subject of this kind. In looking to such a judgment, we, as the parties, must not exclusively consult the dictates of our own interests. Duty and justice require that we should regard the rights of others, not only as they are involved in solemn treaties, but as the justice of the nations of the earth should regard them. Until some occasion should arise to justify the disregard of treaties, let us not inculcate a popular sentiment that would reconcile it merely to our interests.

The Senator has spoken on other topics, with a gushing exuberance, well calculated to attract applause; but I fear also well calculated to excite prejudice and to exasperate national resentments. In speaking of the growth of his own country, he had much to justify him in his highly-flattering picture of her prosperity. But when with taunting disparagement he spoke of the decrepitude of England and the other nations of Europe, he spoke in a way well calculated to wound national sensibility; and especially so, when I cannot regard his opinions just. He said that decrepitude had come upon them in their decline and old age. They were the mere mouldering columns of an edifice that had been; and as such their laws and policy could no longer shed light on the path of the young and vigorous people that, with Herculean strength, could throw off the shackles of European instruction. In this judgment, tempered with so much asperity, I am certain that he will find few that are impartial to concur with him. England may become our rival; but in her present strength and vigor of manhood, she cannot but command respect and consideration from all the other nations of the earth. We may claim to be her peer, but we nevertheless are her debtor.

Sir, when we despise England, we must despise the very soil in which grew the tree from whose fruits we have been fed; we must despise Hampden, and Sidney, and Chatham, and Shakspeare, and Burke. Will the Senator tell me that I am to despise them, or to hate England more than any other nation? If he does, I differ from him. I do not say that I have any especial love for any nation. It is not a word properly applicable to other nations. We love our own country—a sentiment of patriotism inspires that feeling. But as to other nations, we have feelings and opinions of different kinds. For some, we have much more respect and regard than for others. But, sir, I say here, in my place, if the word love be a word of preference, I avow it openly, that we have more sympathy with and are under deeper obligations to Great Britain, than to any other nation on earth. I do not hesitate to say, in the sense I have spoken, that I love her more than any other foreign nation on earth. England, in our origin, law, literature, and free institutions, is our *mother*. In vernacular language, she is our mother country. The very roots of our institutions run into her soil.

From what country do we derive the maxims, the spirit, the institutions, the safeguards of *our* liberty? Have not the streams of her literature been poured out upon us? Have we not all drunk of them with delight and improvement? From what country do we get *Magna Charta*, trial by jury, the common-law, with its hardy morality, inculcating all that has given liberty security? Sir, will the gentleman answer? I am willing, in all the arts of peace, in commerce, in literature, in science, in morals, to become the rival of England. But I can see no inducement, consulting national policy, to assume towards her the position of an hostile adversary. Remarks which have been made during this discussion, are well calculated to sow the seeds of jealousy and hatred between the two countries—that is, unless there shall be good sense to have a *true understanding* of them, when the national interest shall demand it; and I wish the occasion to speak for itself. I would not shrink from a collision or war with Great Britain sooner than any other nation. There is not much patriotism, however, in a mere abuse of her. But, Mr. President, as is sometimes the case, I have spoken beyond what I intended when I rose, and take my seat.

Mr. DOUGLAS. In reply to the honorable Senator from South Carolina, I wish to state to him, without going into the controversy as to which is the right policy for the President when a treaty contains objects desirable and details obnoxious, that he will find an example in point in the case of the Mexican treaty containing provisions which the President and Senate both regarded as unconstitutional, yet the President sent the treaty here, and pointed out the obnoxious parts. The Senator and those acting with him modified it, perfected it, voted for it, and ratified it in opposition to my vote, and it became the law of the land. It is a case precisely in point, and I merely mention it, and leave that part of the question.

Mr. BUTLER. I think the Mexican treaty was sent as an entirety. We amended it no doubt, but it was sent as an entirety by President Polk, saying that Mr. Trist had usurped power which he did not possess. It was exactly one of those instances in which the treaty had been made, and he asked the Senate to adopt it, but he sent it in as an entire thing.

Mr. DOUGLAS. The President sent it in, stating that there were certain provisions in it which must be stricken out before it could be sanctioned by him. But now as to another point: The gentleman commented upon a remark that I had made, and which also was contained in the letter of the late Secretary of State, [Mr. EVERETT,] and seems to suppose that we were advocating the doctrine of not observing the faith of treaties. That did not put us before the country in the true position which we have assumed. My position is this: That we should never make a treaty which we cannot carry into full execution; that good faith requires us not to make a treaty unless we intend to execute it, nor make one which we probably cannot be able to execute. My argument, therefore, was an argument against the making of treaties improperly upon points that were unnecessary, and which could not be carried into effect, and not in favor of violating any treaties that had been made. It was an argument in favor of the sanctity of treaties; and those who make treaties profusely and recklessly, binding us for all time to come without reference to the ability in future to execute them, are the ones who ought to be arraigned, if anybody should be, for not being faithful to treaty stipulations. I wish, therefore, to make this explanation, in order that no misapprehension as to the position which I have assumed may be entertained in any quarter.

The Senator referred to a remark of mine in regard to the decay and decline of European Powers, and made it the excuse for a eulogium upon England as the source from which we have derived everything that is valuable in science and arts, in literature, laws, and politics.

When I am reminded of the greatness of England, as connected with her statesmen and orators, and the illustrious names of Hampden and Sidney are pointed to as examples, I cannot fail to remember—I can never forget—that the same England which gave them birth, and should have felt a mother's pride and love in their virtues and services, persecuted her noble sons to the dungeon and the scaffold, and attempted to brand their names with infamy in all coming time, for the very causes which have endeared them to us and filled the republican world with their fame! Nor am I unmindful of the debt of gratitude which the present generation owes to the brilliant galaxy of great names whose fortune it was to have been born and to have suffered in England, and whose labors and researches in political, legal, and physical sciences—in literature, poetry, and art, have added so much luster to their native land. Some pursue their labors under the protection and patronage of England—others in defiance of her tyranny and vengeance. I award all credit and praise to the authors of all the blessings and advantages we have inherited from that source.

I cannot go as far as the Senator from South Carolina. I cannot recognize England as our mother. If so, she is and ever has been a cruel and unnatural mother. I do not find the evidence of her affection in her watchfulness over our infancy, nor in her joy and pride at our ever-blooming prosperity and swelling power, since we assumed an independent position.

The proposition is not historically true. Our ancestry were not all of English origin. They were of Scotch, Irish, German, French, and of Norman descent as well as English. In short, we inherit from every branch of the Caucasian race. It has been our aim and policy to profit by their example—to reject their errors and follies—and to retain, imitate, cultivate, perpetuate all that was valuable and desirable. So far as any portion of the credit may be due to England and Englishmen—and much of it is—let it be freely awarded and recorded in her ancient archives, which seem to have been long since forgotten by her, and the memory of which her present policy towards us is not well calculated to revive. But, that the Senator from South Carolina, in view of our present position and of his location in this Confederacy, should indulge in glowing and eloquent eulogiums of England for the blessings and benefits she has conferred and is still lavishing upon us, and urge these considerations in palliation of the wrongs she is daily perpetrating, is to me amazing. He speaks in terms of delight and gratitude of the copious and refreshing streams which English literature and science are pouring into our country and diffusing throughout the land. Is he not aware that nearly every English book circulated and read in this country contains lurking and insidious slanders and libels upon the character of our people and the institutions and policy of our Government? Does he not know that abolitionism, which has so seriously threatened the peace and safety of this Republic, had its origin in England, and has been incorporated into the policy of that Government for the purpose of operating upon the peculiar institutions of some of the States of this Confederacy, and thus render the Union itself insecure? Does she not keep her missionaries perambulating this country, delivering lectures and scattering broadcast incendiary publications, designed to incite prejudices, hate, and strife between the different sections of this Union? I had supposed that South Carolina and the other slaveholding States of this Confederacy had been sufficiently refreshed and enlightened by a certain species of English literature, designed to stir up treason and insurrection around his own fire-side, to have excused the Senator from offering up praises and hosannas to our English mother! [Applause in the galleries.] Is not the heart, intellect, and press of England this moment employed in flooding America with this species of "English literature?" Even the wives and daughters of the nobility and the high officers of Government have had the presumption to address the women of America, and in the name of philanthropy appeal to them to engage in the treasonable plot against the institutions and Government of their own choice in their native land, while millions are being expended to distribute "Uncle Tom's Cabin" throughout the

world, with the view of combining the fanaticism, ignorance, and hatred of all the nations of the earth in a common crusade against the peculiar institutions of the State and section of this Union represented by the Senator from South Carolina; and he unwittingly encourages it, by giving vent to his rapturous joy over these copious and refreshing streams with which England is irrigating the American intellect. [Renewed applause in the galleries.]

The PRESIDING OFFICER, (Mr. RUSK in the chair.) There must be order in the galleries. If there is not, they will be ordered to be cleared.

Mr. ADAMS. I desire to ask that the galleries may be cleared if such an outrage occurs again.

Mr. DOUGLAS. I hope it will be done. It is manifestly improper to have such proceedings in the galleries.

The PRESIDING OFFICER. It certainly will be done, if the same thing occurs again.

Mr. BUTLER. I have but one word to say in reply to the Senator from Illinois. When I spoke of our gratitude to England, I did not allude to the sentimental kind of literature to which the Senator refers. I thought I indicated the authors of the literature to which I referred; and I do not thank the Senator for going out of his way, and indicating impure streams, as if they had a connection with my remark, for there are impure streams flowing from other sources besides Great Britain; and there are impure examples in other parts of the world besides Great Britain. When I spoke of it, I spoke in emphatic terms of those writers who have poured upon us what the Senator himself will not deny to be refreshing streams; what I hope he will regard as refreshing to him, and to the intelligence of the age. I named authors. Will he dissent from Burke? Will he dissent from Chatham? Will he dissent from Shakspeare? Will he dissent from the literature and the eloquence and the example and the tone of feeling of Hampden and Sidney? Sir, when I spoke in the spirit of a man judging the literature of England, I did not expect to be diverted by this miserable allusion to "Uncle Tom's Cabin." [Laughter.] That may do for an *ad captandum*, but it is not a manly mode of meeting what I said in relation to the literature of England.

Mr. DOUGLAS. I spoke in terms of reverence and respect of the monuments and tombstones which were found in England, to the great men, to their patriotism, to their legal learning and science and poetry, and all that was great and noble and admirable. I spoke of them with respect as a matter in the past; but, sir, I do not think it was a legitimate argument to go back two or three centuries past to justify English aggressions in the present upon this continent; and when I heard the allusion and laudations and eulogiums upon past English history in palliation of present English enormity, I thought it was right and proper to remind the Senator himself of some of the present conduct of England, which should be borne in mind when he pronounced eulogies upon the past. I am talking of the present, and its bearing upon the future. It is that to which I am directing my remarks, and not to the past.

Mr. BUTLER. I should like to know how England is to be responsible for "Uncle Tom's Cabin." Is England the indorser of it? I have alluded to the masterly intellects of England, and not to the spurious, miserable, sickly sentimentality of the day. If such literature as that to which he alludes is to be taken as a standard, England is not the only place in which it is found. She is no more responsible for that miserable cant in relation to this subject than others. But with regard to England, in all our commercial relations, in all our connection with her as a civilized nation, I presume the honorable Senator would not be disposed to postpone her to any other nation.

Mr. DOUGLAS. I would neither postpone nor give her the preference. I have no eulogium to make upon her. I will treat her as our duty as a nation requires.

Mr. BUTLER. I have pronounced no other eulogium than history yields to her literature, commerce, and civilization, and we are bound to maintain our relations with England if we intend to be a civilized nation ourselves. I made no allusion to the kind of literature which the Senator has brought in debate. We can find this miserable sentimentality anywhere, and there are many other things which the Senator might as well have brought in, which would have been as pertinent to the debate. He had better get up a discussion of the Maine liquor law. [Laughter.] I do not see why he should not. It has about as much connection with the question as the other.

Mr. DOUGLAS. I have introduced into this discussion none of these extraneous topics. I have contented myself with replying when others have brought them forward and thrust them upon me. My object has been to confine the debate to the points at issue between the Senator from Delaware and myself, and I have not departed from that line except when compelled to do so by the remarks of others.

Mr. CLAYTON. The Senator from South Carolina [Mr. BUTLER] will recollect how this discussion in open session was forced upon me. It was introduced here by the member from Illinois, [Mr. DOUGLAS,] on the 14th of February, and I was compelled to defend myself in open session, because the Senate permitted the attack to be made in open session. I wish no concealment, and do not mean to permit the member from Illinois to escape an exposure in public of the misstatements he has publicly made. He shall not avoid the notice of his own changes of position, by charging the same things on me.

The Senator from South Carolina justly considers that treaty as so absurd on its own face, that no President would have been justified in submitting it to the Senate for ratification. Such a course would have implied his approbation of it. In the event that England had refused all our proposals for an equal right of passage, he might have sent it to the Senate, if he had deemed it expedient, to ascertain whether his constitutional advisers desired an exclusive privilege to be acquired. But it could not possibly have in any event been confirmed, without so changing it as to make an entirely new treaty.

The Senator from Illinois has not ventured to deny that the treaty was unconstitutional as it stood. He evades that point, because he knows he cannot defend his favorite Hise treaty as a constitutional measure for a moment. He dared not attempt to defend it, after I had exposed it. Yet he had committed himself in favor of it by at least four or five electioneering speeches last summer, (one of which he made and published at Richmond,) and by his speeches here in the Senate so often, that he knew not how to retreat without discredit. When I read his Hise treaty to the Senate, it not only shocked the honorable Senator from South Carolina, who has just given utterance to his feelings, but I will venture to say it astonished nearly every other Senator present, that any man should have been so reckless as to have maintained for years past that such a treaty should have been sent to the Senate for confirmation. Now he is driven, by the exposure made here, to desert everything he ever said in favor of it before, with this solitary exception, that he still is in favor of the *exclusive privilege* provided for in it. All his declamation in its favor has ended in that.

Sir, it was not only objectionable on the ground that it was a violation of the Constitution, but on the ground that it was a gross political and entangling alliance. The very remarks which the Senator has made so often in opposition to the treaty which Mr. Squier negotiated, and the treaty of the 19th of April, 1850, lie in justice, with all their force, to the treaty of Mr. Hise, but not one of them had any justice whatever when applied to the treaties to which he has objected. Neither of them provided for any political connection or entangling alliance.

I quoted, on a former occasion, the names of some of the most distinguished statesmen of this country, in favor of the principle which I had adopted, of opening the right of way to all nations on the same terms; that is, on condition of protection from all. But the Senator will be satisfied with nothing but an exclusive right or *monopoly* vested in us. He misrepresents the contract obtained by American citizens, and intended to be protected by the treaty of Mr. Squier, when he says that grant was a grant to English as well as American capitalists. It was a grant to American capitalists.

Mr. DOUGLAS. The Senator misunderstood me. I did not speak of the specific terms of the treaty of Mr. Squier, for the reason that the injunction of secrecy has not yet been removed, although I saw some papers friendly to the Senator putting some sections of it in the paper.

Mr. CLAYTON. What papers?

Mr. DOUGLAS. A New York paper did it the other day. I only spoke of the general terms used by Mr. Squier, and published by the Senator in 1850. But when I said that it opened to England and to us jointly, I spoke of the Senator having provided for that in the Clayton-Bulwer treaty.

Mr. CLAYTON. The whole contract protected by the Squier treaty, of which I am speaking, was published two years ago, and is in a document before Congress.

Mr. DOUGLAS. I was speaking of the treaty.

Mr. CLAYTON. Then why did you interrupt me? You knew I was speaking of the contract or grant, and not of the treaty. The substance of the treaty was published long ago. It has been published at least two years; and there is not anything in it or the grant, about a partnership between European and American capitalists.

Mr. DOUGLAS. Will the Senator from Delaware say that the Squier treaty has been published by authority?

Mr. CLAYTON. No, sir; but you know the substance of it was published long ago, and the injunction of secrecy has long since been taken off the treaty of the 19th of April, 1850, which discloses the principle of both. The Senator has shown that he has not the slightest difficulty in speaking of either of these treaties, or of anything connected with either of them.

The Senator presents new issues for discussion, and changes his ground in his reply. But I mean to bring him back to the points from which he seeks to escape. He has not attempted, in his reply, to fasten on me, as he endeavored to do in the beginning of the debate, and as he did in his speech of the 14th of February, the charge that I had, in negotiating the treaty of the 19th of April, 1850, abnegated, as he expressed it, the Monroe doctrine. No, sir; he has abandoned that, and he will not venture to touch it again. He has good reason to, shun it, for it burnt his fingers. He has fled from it. He cannot now vindicate a word he uttered on that subject. He beats a retreat.

Mr. DOUGLAS. No, sir; the Senator is mistaken.

Mr. CLAYTON. Then he is not willing to retreat, after he has become totally silenced on the subject, and ceased to make battle.

Now, a word as to his favorite exclusive privilege. If we had it, it would involve us in controversies with all other nations, and would prove a curse instead of a blessing. In the event of a war between this country and any great naval power, the canal would be seized. The Senator fears nothing—oh no, not he! He would fortify it at both ends! Yes, sir; build a fort at both ends. A fort at San Juan de Nicaragua, and a fort on the Pacific; and then we must garrison them, and keep a standing army there. How many soldiers would it take to garrison a fortress if England and France, or either of them, should go to war with us? How many would the Senator have at San Juan?—how many on the Pacific? Does he suppose that any force that this country could possibly send there, and at that distance from us, could resist the other great Powers of the world, in a war? He is fond of boasting (and I love to hear it—it is quite flattering) that we are a *giant* Republic; and the Senator himself is said to be a "little giant;" [laughter;] yes, sir, quite a *giant*, and everything that he talks about in these latter days is gigantic. [Laughter.] He has become so magnificent of late, that he cannot consent to enter into a partnership on equal terms with any nation on earth—not he! He must have the exclusive right in himself and our noble selves! We must *own* the canal. Why not demand the same exclusive privilege at Gibraltar? What is the difference in principle? Why should we not seek to obtain the exclusive right of passage into the Mediterranean, as well as the passage across the Isthmus?

Mr. DOUGLAS. Will the Senator permit me——

Mr. CLAYTON. If he is anxious to make more remarks, I am willing to hear him when I have done.

Mr. DOUGLAS. I do not wish to interrupt the Senator; but I understand him to ask me, and look for an answer.

Mr. CLAYTON. Let him be quiet. He meant to say that one is a European and the other an American passage. That is all he had to say. And as the distinction is without a difference, I do not desire to hear him. Knowing all he was about to say, I thought I could say it quite as well myself. [Laughter.]

Sir, his are not the principles of the American Senate. His are not the principles of the forty-two men who, on the 22d of May, 1850, ratified the treaty. The Senator does not merely arraign me: he arraigns all those constitutional advisers of the President of the United States.

His own colleague [Mr. SHIELDS] was among the number who voted for the treaty. Most of the distinguished gentlemen now around me, who were here at that day, voted for it. You, yourself, Mr. President, were one of the men who proclaimed the same principle, by voting for the treaty with New Granada! This doctrine of the exclusive right to make, construct, and protect a canal outside the limits of the United States, was not known to the statesmen who lived fourteen years ago. Sir, it was a stranger to the statesmen who have governed this country for a quarter of a century.

The Senator denied again that I had a right to use the great character of Jackson, with his own party, in favor of the treaty. I stated the fact that Livingston, the Secretary of State under Jackson, had proclaimed, on the 20th of July, 1831, the hostility of this Government to anything like an exclusive privilege through that canal. The letter of Mr. Livingston to Mr. Jeffers, of that date, is decisive of the sentiments of President Jackson, on the ground that an exclusive privilege in any one nation would be a violation of the leading engagement in our own treaty and every other treaty of commerce with any local Government in Central America which should grant such an exclusive privilege. He instructed Mr. Jeffers to present that conclusive objection to any grant of exclusive privilege to the Dutch capitalists who, under the patronage of the King of the Netherlands, had applied for and obtained a grant to cut the canal at Nicaragua. It was, as I stated before, ascertained that there was no exclusive privilege granted to or asked for by the King of the Netherlands. I said, therefore, I had the authority, in favor of the doctrine of the treaty, of the Dutch Government, and its great chief himself—a man on whom I have no time to pronounce a eulogy, but who has been eulogized by men who were quite as capable of conferring distinction, by anything they might say, as even the Senator from Illinois himself. At the distance of nearly a quarter of a century ago, when desiring to open the great avenue to the Pacific, he did not dream of such a thing as the exclusive privilege. His contract, which I have before me, provided for opening the canal which he projected, to all the nations of the earth on the same terms; and, in fact, there is not a principle established by the Senate in its resolution of 1835, by the House of Representatives in its resolution of 1839, and by the concurrent action of Presidents Jackson, Polk, and Taylor, that is not in accordance with the principle established by the capitalists who were patronized by the Dutch Government. Foreigners have not adopted the narrow and contracted policy which so commended itself to the member from Illinois, of procuring an exclusive right over a canal which no one State could possibly maintain and protect in the face of the great commercial nations of the earth.

But the Senator said—and I must call the attention of the Senate back to the fact—that when we had obtained the exclusive right, he would not keep it—not he! He was too liberal, too generous, too fair towards other nations of the earth to keep any such thing! As soon as he obtained his exclusive right, and made his canal, and had the monopoly of navigating it; as soon as he had fortified it and protected it, so as to compel other nations to respect it—he would turn round and *give to everybody else in the world the right to go through it at our expense!* Is not that a magnificent conception? When my neighbors propose to make a highway, I say: "No, you shall not. No man shall dare to spend a dollar on it. I will have *the exclusive right of way!* I will make the highway: but after I have gone to the expense of making it, and while I have the sole burden of keeping up all the repairs, if any of you desire to travel upon it, on the same terms with myself, you are *perfectly welcome!* But take care! Dare not attempt to repair it, or use any means to protect or preserve it from destruction—I must have the exclusive honor of that." A mere restatement of such a proposition seems to me to make it absolutely unnecessary to comment upon it.

But the Senator takes the ground that I have prevented the grant of the right of way from the local Government. He said, again and again, that I had prevented that. It was one of the chief objects of solicitude with me, while acting as Secretary of State, that our capitalists should obtain that. It was obtained; and on the true policy which had been recognized by all the leading statesmen of this country. The treaty with Nicaragua was negotiated under instructions from President Taylor. It provided for the protection of the right of way. It was presented to the Senate of the United States; and, for reasons which I have never known, and do not know to this day—after I resigned the office of Secretary of State, and had gone away from this place—it was not acted upon. It was never rejected. No vote was taken upon it. It was overlooked in the mass of business, or for some other cause it was entirely neglected; and yet I am censured, forsooth, by him, one of the very men who neglected a public duty, in regard to it, because that treaty did not pass! I hear from others that he opposed it, because he preferred the Hise treaty, and that he assisted in defeating it! The Senator means that I defeated the right of way, because I did not send the Hise treaty here—a treaty which, I say again, no Senator could have voted for, if it had come here.

Sir, the right of way was secured by American capitalists, aided by all the efforts the Minister sent by President Taylor to Central America could make. The Senator ought to have known it was granted to American citizens at the very moment he charged me with the loss of it. He has repeatedly said we had obtained it by a grant to English and American capitalists. At the same time, if he had read the public documents sent to Congress on a subject about which he has talked more than any other living man, he would have known that statement was incorrect, and that the grant was made on the application of American capitalists to themselves. The President did all he had a right to do to encourage and protect it.

If these capitalists construct a ship canal, England will protect it, the United States will protect it, and every other civilized nation we apply to will protect it when accomplished; because no nation can be or ought to be entitled to use it, except upon the terms of agreeing to protect it. England agrees, by the treaty, to assist us, not only in protecting this ship canal, but any railroad or ship canal that can be made through the whole isthmus. We have no interest, that I am aware of, to prefer the route by way of Nicaragua to that by Tehuantepec. If we could obtain a canal route nearer our country than either Nicaragua or Panama, we ought to prefer it. Undoubtedly, if we could obtain the Tehuantepec route, we ought to prefer that; but if we cannot obtain a passage at a point nearer to us than the southern part of the Isthmus of Darien, it is of the deepest interest to this country to have it at that point. Pains were taken, as the Senator will know by looking into the correspondence, to ascertain which was the most practicable route; and from all the information before me, including that obtained from Lord Palmerston himself, as well as from my own countrymen, the route believed to be the most easily practicable was through Nicaragua. Whether it is the best route, I am not at all interested to affirm or deny; for if a ship canal can be obtained *anywhere* through that isthmus, the treaty I signed protects it, and insures to my countrymen the right of passage through it; and we have no longer any cause for such jealousy as was entertained by President Jackson and Mr. Livingston, the Secretary of State, in 1831. No matter who may construct this or any other canal, in any part of the whole isthmus between North and South America, we have the right to navigate it on the terms of the most favored nation, by virtue of the very treaty which the Senator so violently denounces, for his own personal and party purposes.

The Senator says, that by adopting the treaty I have recognized the right of Great Britain or any European nation to interfere in the affairs of this continent. This Government has, to a much greater extent, recognized their right to claim an equity of commercial privileges, from its very origin, by every commercial treaty which it has ever made. You have made your commercial treaties with all the European Powers. In each of them you have agreed to a certain extent that they have the right to interfere in your affairs, and they have conceded the right, on your part, to interfere in their affairs. Does the Senator mean to condemn every commercial treaty which we have ever made? Does he think that he can make an appeal successfully to the vulgar passions, in order to make this treaty odious, and thereby to make the men in the Senate of the United States who voted for it odious? We never made a treaty of any kind with a European Power which does not acknowledge to as great an extent, or greater, the right of European interference in the affairs of this continent. He has voted for treaties which regulate all our tonnage and import duties, and all our commercial intercourse with them. We have made treaties with them to control our own boundaries, and legislative arrangements to control our most important political and commercial interests.

The Senator has rung the changes on the word "partnership," from day to day, until one who did not know him would suppose that we had entered into some great joint-stock mercantile establishment with England. You might as well say that all men living near a navigable river, or a turnpike road, or a railroad, had entered into a *partnership*, as to say that the nations of the earth about to travel this highway on the same terms had entered into a "partnership." Every man in the District of Columbia has entered into partnership about Pennsylvania Avenue of the same kind. We all travel it on the same terms. If anybody should attempt to destroy it, we are all equally interested to protect it, and we would protect it.

The reference made by the Senator to the instructions to our chargé d'affaires in Central America, to prove that he was directed to oppose the treaty of Mr. Hise, is evidence of a degree of recklessness or folly of which I should regret to accuse any Senator. Instructions plainly referring to a *contract* are construed by him to refer to a *treaty*. I endeavored to correct him at the time he referred to the instructions, but in vain; and on he went to his own manifest destiny. The very passage he quoted distinctly proves him to have entirely misrepresented the instructions. He has confounded the "charter or grant of the right of way," made to "the proprietors of the canal," with a treaty to protect it. His remarks on this subject, compared with the quotation which he has made from the instructions, will convict him without any exposure from me. I will quote the whole passage he has cited from my instructions, with a view to show the injustice of his remarks. The instructions say:—

"See that it [the contract or grant] is not assignable to others," [meaning to others than the capitalists—the American citizens who obtained it;] "that no exclusive privileges are granted to any nation that will not agree to the same treaty stipulations with Nicaragua; that the tolls to be demanded by the OWNERS are not unreasonable or oppressive; that no power be reserved to THE PROPRIETORS OF THE CANAL OR THEIR SUCCESSORS to extort at any time hereafter, or unjustly to obstruct or embarrass, the RIGHT OF PASSAGE. THIS will require all your vigilance and skill. If THEY do not agree to GRANT us passage on reasonable and proper terms, refuse our protection and our countenance to procure the contract from Nicaragua.

"If a CHARTER or GRANT OF THE RIGHT OF WAY shall have been incautiously or inconsiderately made before your arrival in that country, seek to have it properly modified to answer the ends we have in view."

The Senator's ignorance of this plain language is unaccountable. He had confounded the *grant*

of the right of way or *charter* to the company of Americans who asked for it, with the *treaty* between Nicaragua and this Government.

I interrupted him, and explained it to him; and the more clearly it was made to appear that he was wrong, the more strongly he seemed to adhere to his error. He knew well enough that the word "us" referred to our countrymen. The instructions say: "If *they* [the company] do not agree to grant us [Americans] passage on reasonable and proper terms, refuse our protection," &c. He knew well enough what this meant; yet he put to me the question: "Was he [I] one of the company, and therefore authorized to use the word 'us,' when speaking of the rights and privileges to be acquired of a foreign nation through his agency as Secretary of State?" He surely did not mean, by putting such a question to me, to insinuate that I was one of the company of "capitalists, proprietors, and speculators who might become the owners of the charter." If he did, I will not charge him here with falsehood, but, with all possible politeness, I will prove him to be guilty of it.

Mr. President, I do not at all object to any statement of the fact that I utterly disapproved of the Hise treaty. I only complained of his misrepresentations in regard to it. His statement that the clause guarantying the independence of Nicaragua was not one of the reasons which induced me to withhold the Hise treaty from the Senate, is palpably incorrect. To sustain himself in his assertion, he refers to my letter to Mr. Lawrence, of the 20th October, 1849. The very passage he has cited shows that "if our effort to place, by our own arrangement with the British Government, our interests upon a just and satisfactory foundation should prove abortive, (that is, upon the foundation of equal privileges in the treaty,) then the President will not hesitate to submit this or some other treaty" (that is, the treaty of Hise or the treaty of Squier; the one for exclusive privileges, or the other for equal privileges to all nations) "which may be concluded by the present chargé d'affaires to Guatemala, to the Senate of the United States for their advice." It was a threat, if you please, that if the British Government continued to occupy Central America as they had done, and should refuse to yield us the right of passage through the isthmus on equal terms with them, then we would submit, when we could obtain no justice from Great Britain, some treaty to the Senate which would grant us the right of way on the most favorable terms, without regard to the interests of Great Britain. We should have been perfectly justified in endeavoring to exclude her, if we saw evidently that she intended to exclude us; and we desired her fairly to understand that. The very quotation from the instructions to Mr. Lawrence which he has made, proves that he himself well knew that my reference to the Hise treaty was nothing more than a threat, that if we could not obtain equal privileges with Great Britain with her own consent, we would have them in dispite of her. With a view to expose his misstatements on this subject, I quote from the dispatch to Mr. Lawrence—the very passage on which he pretends to rely:

"If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication, by the way of the port and river San Juan, free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid, and despite her opposition or hostility. With a view to this alternative, we have a treaty with the State of Nicaragua, a copy of which has been sent to you, and the stipulations of which you should unreservedly impart to Lord Palmerston. You will inform him, however, that this treaty was concluded without a power or instruction from this Government; that the President had no knowledge of its existence, or of the intention to form it, until it was presented to him by Mr Hise, our late chargé d'affaires to Guatemala, about the first of September last; and that, consequently, we are not bound to ratify it, and will take no step for that purpose, if we can, by arrangement with the British Government, place our interests upon a just and satisfactory foundation. But if our effort for this end should be abortive, the President will not hesitate to submit this or some other treaty which may be concluded by the present chargé d'affaires to Guatemala, to the Senate of the United States, for their advice and consent, with a view to its ratification; and, if that enlightened body should approve it, he also will give it his hearty sanction, and will exert all his constitutional power to execute its provisions in good faith—a determination in which he may confidently count upon the good will of the people of the United States."

It is impossible to reason with one who says he does not understand the object for which this passage in the dispatch was written.

But he has quoted another passage from the same dispatch. I could not wish to expose him more effectually than by quoting it myself. It is as follows:

"You may suggest, for instance, that the United States and Great Britain should enter into a treaty guarantying the independence of Nicaragua, Honduras, and Costa Rica, which treaty may also guaranty to British subjects the privileges acquired in those States by the treaties between Great Britain and Spain, provided that the limits of those States on the east be acknowledged to be the Caribbean sea."

After citing this, he gravely asks me, "What has become of my objection to the guarantee of the independence of Nicaragua?" His question scarcely deserves an answer. Great Britain was in possession of the country, in virtue of the protectorate, and we were not; and the proposition made to her was, that she should not only abandon it, but also guaranty the independence of the Central American States adjoining the proposed canal. The Senator is incapable of perceiving the difference between a treaty of the United States and Nicaragua, guarantying the independence of Nicaragua, and a treaty of the United States and Great Britain jointly, on the one part, and Nicaragua on the other, for the same purpose. If Great Britain had joined us in such a treaty, we should have readily reached our whole object. She refused to accede to this proposition; and it was palpably a suggestion to ascertain her views. The separate guarantee of independence by us alone, was indeed an objection to the Hise treaty, and it was one among many other objections which made the whole insurmountable. Our separate guarantee was a guarantee against Great Britain, the party in possession. A joint guarantee with her was liable to no such exception, and could not possibly entangle us.

The Senator is guilty of so many other misstatements, that it is a difficult matter to correct them all. He says that I voted for the Mexican treaty of peace—the treaty of Guadalupe Hidalgo—according to his recollection. His recollection is in this respect, as in many others, entirely at fault. The record shows that I did not vote upon the treaty.

His statement that the Hise treaty was evidence of the fact that Nicaragua was willing and anxious to grant to the United States forever the exclusive right and control over a ship canal between the two oceans, is contradicted by the letter of Carcache, the Nicaraguan minister, who declares she rejected it after it had been signed by Señor Selva, the commissioner on her part. The treaty was evidence of extreme folly, and of little else beside.

The Senator recurs again to his objection that the convention will not permit us to annex Central America, and points with triumph to a passage in the letter of my distinguished friend, the Senator from Massachusetts, [Mr. EVERETT,] to the Comte de Sartiges, in which he expresses a *doubt* whether the Constitution would permit us, by the tripartite treaty proposed by France and England, to declare that we would never purchase Cuba. The Senator from Illinois held this up as a conclusive authority to prove that the treaty of the 19th April, 1850, was unconstitutional. He did not venture to argue this position. The treaty of 1850 was referred to the Committee on Foreign Relations, of which Daniel Webster, of Massachusetts, was at the time a member, who joined in reporting the treaty and in voting for it: did he not understand the Constitution? Without referring to all the other distinguished jurists who voted for it, or to the numerous treaties in which this Government has defined the limits of its own territory as perpetual, including the Ashburton treaty, and the treaty of Ghent, and the treaty with Mexico, and I know not how many others, I say to the Senator from Illinois, that I acknowledge a wide distinction between the purchase of Cuba and the annexation of Central America. Cuba was not in the possession of Great Britain, under the name of a protectorate or otherwise. A large part of Central America was. We had no canal to make in Cuba. She presented no obstacle to us in our passage to California and Oregon. Central America did. Sir, I do most cordially concur in all the encomiums upon the letter of my friend from Massachusetts. I approved of all the policy of President Fillmore in regard to Cuba, while my friend, the Senator from Massachusetts, [Mr. EVERETT,] was at the head of the Department of State.

President Taylor, at an early period of his administration, was informed of the substance of Mr. Forsyth's letter, which has been since published, instructing our Minister at Madrid to say to the Spanish Government that we would defend the title of Spain to Cuba, with all the naval and military power of the United States. I thought it impolitic, as it led, of course, to a similar communication to Spain from Great Britain and France. The French and English Governments, being apprised by Spain of our guarantee against *them*, of course, I thought, would give her a similar guarantee against *us*. The assurance of the United States, Great Britain, and France, thus made to Spain, virtually guarantying Cuba to Spain, was equal in efficacy to any tripartite treaty that could have been concluded. By the President's direction, I did not continue the assurance on our part.

I allude to this as illustrating the identical policy adopted by my honorable friend from Massachusetts in his letter to the Comte de Sartiges. Our Minister at Madrid was instructed, on the 2d of August, 1849, that the President could not comprehend or appreciate the motives or expediency of openly declaring to Spain that the whole power of the United States would be employed to prevent the occupation, in whole or in part, of Cuba from passing into other hands, because he had reason to believe that this declaration of Mr. Forsyth, on our part, had led to counter declarations to Spain of a similar character by other interested Powers; that whilst this Government was resolutely determined that the Island of Cuba should never be ceded by Spain to any other Power than the United States, it did not desire, in future, to enter into any guarantees with Spain on that subject; that, without guarantees, we should be ready, when the time came, to act; that the news of the cession of Cuba to any foreign Power would, in the United States, be the instant signal for war; and that no foreign Power would attempt to take it that did not expect a hostile collision with us as an inevitable consequence.

This discontinuance, or revocation, of Mr. Forsyth's declaration, which had bound this Government for so many years, was not exactly a refusal to agree to such a tripartite convention, as was very properly rejected by my honorable friend from Massachusetts, but it was the first instance in which this Government gave unmistakable evidence of its policy not to agree to any such convention.

Sir, the Senator said that I had abolished the Monroe doctrine. If I have really done that, I have done more than I ever thought I was capable of doing. If I have done that, I have abolished a fruitful source of controversy between my own country and other nations. But how and in what sense have I abolished the Monroe doctrine? One of the principles on which I acted, in the formation of the treaty, was the exclusion of a European nation from further interference on a part of this continent. Was that exclusion an abolition of the Monroe doctrine? Will he tell me of any instance in the history of this country, in which any other Administration has carried out the Monroe doctrine in the same way, or in any other way? Can he find any other instance in which there has been the slightest approximation to it.

As to the Indian protectorate in Nicaragua, I have only to say of it as I said before, "*Stat nominis umbra*"—it stands, the shadow of a name!

The Senator is fond of talking violently about driving European nations from this continent. When he discourses in such magnificent terms as he employed a few years ago, about "fifty-four forty or fight," he does no harm among his own countrymen. We all know exactly what it means. But when these speeches reach the other side of the Atlantic, they have a different effect. They induce foreigners to believe that we are a quarrelsome, violent, and aggressive race, denying to all other men equal rights with ourselves; and they are well calculated to make us odious among other nations. We once held among them a high character for probity and honor; but if it shall come to be understood among them that we are bent

upon seizing every country to which we may take a fancy, we shall be looked upon as pirates and enemies of the human race. Then it will be found that, instead of maintaining the highest position upon earth, we have descended to the lowest, and the sun of our glory will set forever. I am, and profess to be, an American in heart—every inch an American; as determined to assert and enforce respect for American rights, and the duty of protecting American interests at home and abroad, as any man; but I am also resolved to assert and maintain American faith and honor. Let us proclaim it among all the nations of the earth that there does not exist under the sun a people more proud of observing and maintaining their treaties and all their contracts than the people of the United States. Let us discountenance this system now practiced by the Senator from Illinois and others among us, of denouncing Europeans, and of inculcating it as a duty to hate the men of any other nation. I cannot express my sentiments on the subject in more appropriate terms, than by asking the Secretary to read a passage from the Farewell Address of the Father of his Country. Let us refresh and strengthen ourselves, at the close of this turbulent debate, by a resort to that fountain whose bright waters have never failed to invigorate us.

The Clerk read it, as follows:

"Nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness is, in some degree, a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes, perhaps, the liberty of nations, has been the victim.

"So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to *concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions*, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom EQUAL PRIVILEGES are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation."

Mr. President, I have done. The first resolution which I offered, calling for information, has been passed, and the other may sleep upon the table, if I can be assured that the information sought by it can be had, as it ought to be, without it. I am quite indifferent to its fate. My chief object was to defend my own position, and that object has been accomplished.*

The further consideration of the subject was then postponed until to-morrow.

ADMISSION TO THE FLOOR OF THE SENATE.

Mr. FISH submitted the following resolution for consideration:

Resolved, That the 48th rule of the Senate be amended by inserting after the word "Treasury," the words "Secretary of the Interior," and also by adding the following to the rule:

No person except members and officers of the Senate shall be admitted at either of the side doors of the Senate Chamber, and all persons claiming admission on the floor, excepting members and the Clerk of the House of Representatives for the time being, the heads of the several Departments, the Private Secretary of the President, the chaplains of Congress, the judges of the United States, foreign ministers and their secretaries, and officers who by name shall have received the thanks of Congress, or medals by a vote of Congress, shall, each time before being admitted upon the floor, enter their names, together with the official position in right of which they claim admission, in a book to be provided and kept at the main entrance to the Senate Chamber; and no person except members of the Senate shall be allowed within the bar of the Senate, or to occupy the seat of any Senator.

WITHDRAWAL OF PAPERS.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The Secretary of the Board to examine the claims of Lieutenant Colonel Frémont, has addressed a letter to the President of the Senate requesting permission to withdraw a report submitted on the 29th December last, with the view of correcting certain errors. Will the Senate grant the leave asked for?

Mr. WELLER. Let that lie over until I can have an opportunity of seeing what that report is.

It accordingly went over.

On motion by Mr. COOPER, it was

Ordered, That Daniel Nippes have leave to withdraw certain papers from the files of the Senate.

On motion by Mr. ADAMS, it was

Ordered, That leave be given to withdraw the papers on the claim of Clemens, Bryant & Co., from the files of the Senate.

On motion by Mr. JAMES, it was

Ordered, That Margaret Barnett have leave to withdraw her papers from the files of the Senate.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

THURSDAY, *March* 17, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT presented a communication from the Department of the Interior, in answer to a resolution of the Senate of the 21st instant, transmitting a report from the Commissioner of Indian Affairs; which was ordered to lie on the table and be printed.

SELECT COMMITTEES.

On motion by Mr. HOUSTON, it was

Ordered, That the vacancies in the Select Committee on Frauds, &c., occasioned by the expiration of the terms of Mr. UNDERWOOD and Mr. BROOKE, be filled by the Chair.

And Mr. MORTON, and Mr. THOMPSON of Kentucky, were appointed.

On motion by Mr. WELLER, it was

Ordered, That the vacancy in the Select Committee on the Mexican Boundary, occasioned by the expiration of the term of Mr. CLARKE, be filled by the President.

And Mr. FISH was appointed.

COAL FOR THE JAPAN EXPEDITION.

Mr. BUTLER. I ask unanimous consent to make an explanation connected with some remarks of the Senator from Pennsylvania, [Mr. COOPER,] the other day, reflecting on a constituent of mine, who is one of the officers of this Government.

Unanimous consent was given.

Mr. BUTLER. The Senator from Pennsylvania, [Mr. COOPER,] the other day, in introducing certain resolutions, which I hold in my hand, made the following remark:

"He meant to cast no reproach on the late Secretary of the Navy or his predecessor; they were both high-minded and honorable men, men of character and integrity; but nevertheless these contracts have been made by the bureaus possibly without their knowledge. He desired to have this information; and he hoped the resolution would now be passed."

The resolution is as follows:

"*Resolved*, That the Secretary of the Navy be, and he is hereby, required to communicate to the Senate the contract entered into with Messrs. Howland & Aspinwall for supplying the Japan squadron with coal, the price per ton which the said coal will cost delivered in the Chinese seas, the amount of commissions and insurance, respectively, together with the rate of exchange which the Government will be required to pay for such of the coal as may be purchased in England.

"That the Secretary be also required to inform the Senate whether offers were made by other parties than Messrs. Howland & Aspinwall, to supply the above-named squadron with coal, by delivering the same at such places as might be designated in the Chinese seas, the prices per ton at which these parties proposed to deliver it, stating particularly the rates at which anthracite, American bituminous, and English bituminous were respectively offered; and whether, after these offers had been made, a contract at higher prices was not entered into with Messrs. Howland & Aspinwall for English coal.

"That the Secretary be further required to inform the Senate whether, previous to the time of contracting for the supply of the said squadron with coal, the Government had not regularly-authorized agents employed for the express purpose of purchasing and inspecting all coal necessary for the supply of the Navy, and what commission the said agents received by way of compensation for their services. That he be required further to inform the Senate whether Messrs. Howland & Aspinwall were not appointed agents to purchase and inspect the whole or a greater part of the coal necessary for the supply of the Japan squadron; whether the commissions allowed them are not double the amount of those allowed and paid to the regular purchasing and inspecting agents; whether the said commissions are not counted on the gross price of coal—namely, on the price with freight, exchange, and insurance added. That he be required also to inform the Senate what quantity of coal it is estimated will be required for the supply of the said squadron annually, and what kind principally will be used; what amount of demurrage has been paid, and for what quantity of coal, for what length of time, and to whom; also, what rate of demurrage is to be paid hereafter."

Whilst the remark exempts the Secretaries of the Navy from censure and blame, it leaves but one inference, that it may be applicable only to the head of the Naval Bureau, my friend and constituent Commodore Shubrick, than whom no one in the public service could be less liable to such a censure.

In fact there was no contract entered into by the Navy Department, either by the Secretary himself or the head of the bureau, with Howland & Aspinwall, for coal, in the proper acceptation of the term contract. The Navy Department, by express law, and in change of an old regulation, is authorized to purchase coal for the use of the Navy. The mode of making such purchases is left to the judgment of the Secretary, under his official responsibility. In carrying out the provisions of this law, the late Secretary of the Navy, Mr. Graham, appointed Howland & Aspinwall as agents to supply the Japan squadron with coal. To enable them to do so with certainty and precision, that is, as to quantity and place, they are subject to the requisition and orders of the head of the bureau. For their services as agents, thus appointed, they receive a stipulated commission, previously agreed upon between themselves and the Secretary of the Navy. The only function to be performed by the head of the bureau is strictly ministerial, that is, to make a requisition on the agents, and to pay their bills when duly presented and authenticated.

Commodore Shubrick, the head of the bureau, confining himself strictly in the sphere of his official agency, has done nothing more nor less than carry out the stipulated arrangements of the Secretary of the Navy. He could have no inducement to do anything else; and I will answer for it, sir, that if anything had depended on his discretion, it would have been performed with good judgment and honorable purpose. I have no doubt that the honorable Senator from Pennsylvania had no intention of saying anything to wound the feelings or touch the honor of my honorable friend and constituent.

Mr. COOPER. The Senator from South Carolina certainly did me no more than justice, when he said that I intended to cast no reflection upon Commodore Shubrick. I did not intend to convey the idea that Commodore Shubrick had acted dishonestly, or perhaps even improperly. I believe I stated at the time that the contracts were made by the Bureau of Construction and Supply, and it is probable that if I had reflected a moment, I would have known that Commodore Shubrick was at the head of that bureau. But there is one suggestion in that letter that I think had better have been left out.

Mr. BUTLER. It is not a letter. It is my own memorandum from his conversation.

Mr. COOPER. He states that there is no contract entered into. There is no contract, perhaps, made with the persons who furnish the coal, but they are appointed agents, and *ex officio* their duty is to furnish coal, and they become in law contractors with the Government. Now, sir, let me say further, that instead of paying a commission of five per cent.) which the regularly-authorized agents of the Government are entitled to receive, these men receive ten per cent. In addition to that, by the bills, as they will be seen in the return

* CORRECTION.—An error occurred in the publication of Mr. CLAYTON'S speech of the 15th instant. Nineteen lines at the foot of the first column of page 268 of the Appendix to the Congressional Globe, beginning—"Mr. DOUGLAS. I never said that I would not," &c., were inserted by mistake. Also, two paragraphs at the top of the second column of the same page.

made to the resolution by the present Secretary of the Navy, they have bargained at ten and a half per cent., by way of exchange; and instead of purchasing American coal at the price at which it was offered to them, which by the tests made by the engineers in chief, and by the officers in command of steamers, is greatly preferable to English coal, they have bought English coal at a higher price. Now, I certainly did not intend to reflect on the Senator's constituent. I never would do injustice to any man, high or low; but when I see the Government funds squandered, and American interests neglected, in order that some parties may be benefited, I must take notice of it. I do not refer to the bureaus, by any means. I think it was really, from what I have heard and seen, through the agency of other persons; but that is the state of the case, and the community, the great constituency which we all represent, will judge whether I was right in what I said or not.

Mr. BUTLER. All I have to say in rejoinder is, that Commodore Shubrick had a limited administrative agency, and of course none of the blame or censure could fall upon him. It was a stipulation, I suppose, entered into by the Navy Department itself, perhaps, as the Senator says, under some influences; but I do not believe that Commodore Shubrick can be charged as having intentionally either perpetrated a wrong on the Government, or done anything to the prejudice of American interests.

Mr. PEARCE. The remarks which have been made might seem to throw some censure upon the late Secretary of the Navy, Mr. Graham, and I think it due to him that I should state my recollection of a conversation which I had with him last summer in relation to the supply of coal for the Japan expedition. Though I do not profess to recollect all the points with accuracy, I think I can state, with a little certainty, a few things which will go to excuse that gentleman from any reproach which may be cast upon him.

I understand that Commmodore Perry came here to see the Secretary of the Navy, and urge upon him the importance of securing the supply of coal from persons of such undoubted respectability as that there could be no possibility of a failure to deliver the coal at the proper place and time. It was thought to be all-important to the success of the expedition, and that it might be entirely prostrated, or at least paralyzed if the coal was not put in such a condition as to be obtained when wanted. He was therefore induced to make the arrangement which he did make, and undoubtedly the statement of Commodore Shubrick is correct, with Howland & Aspinwall. I believe their competency was undoubted. Their ability to comply with the contract, at the precise time necessary for the delivery of coal, was unquestioned. But in addition to that, the Secretary then informed me, and I do not think that I am mistaken, that after examining the whole subject, the conclusion was arrived at that the operation would be quite as economical as that in the place of which it was substituted. Thus much I have thought proper to state, and I will say no more, because I understand there is a full report on the subject by the present Secretary of the Navy.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the resolutions offered by Mr. CLAYTON, on the 7th instant.

Mr. EVERETT. When the Senator from Delaware took his seat yesterday, I was desirous of catching the eye of the President, with the view of obtaining the floor to make a few remarks upon the subject which has been under discussion; and I should have been glad to have done so at that time. I did not succeed; and now by the courtesy of the honorable chairman of the Committee on Foreign Relations, who moved to postpone the subject, I have the opportunity of addressing you at this time. I am not desirous by any means of entering into the debate which has occupied the Senate during the past week. I presume it is hardly the expectation of the Senate that that debate should extend beyond those gentlemen who have been necessarily drawn into it. Being however, sir, under the impression that if the debate should close here altogether, it would leave a somewhat painful and unsatisfactory impression upon the public mind in reference to the state of things in Central America, so far as we are concerned; and having had the honor, not long ago, in another capacity, to submit a communication to the President, which was transmitted to Congress, in reference to this subject, I am desirous, and I think it would be perhaps in some degree for the public interest, that some further explanation should be made in reference to the state of things in Central America at this time, so far as we are connected with it.

In doing this, which is really the principal, and I may say almost the only object which I have in view in claiming the attention of the Senate for a short time, I shall wish to make some reference to the proposition of the 30th of April last, which it was the object of the Senator from Delaware to get before the Senate. Inasmuch, therefore, as the Senate has made a special order for this day, for the election of certain officers of the Senate, it would be an accommodation to me, and I think also to the Senate, if the Senate would consent, by general acquiescence, to pass the resolutions of the Senator from Delaware. I understand it was his expectation in moving them, that the second resolution would require considerable time to meet it; that the answer would not come before the next session. It is a call for general information in reference to the affairs of Central America. But with reference to the first resolution, which calls for an answer with regard to the proposition of the 30th of April, it can be answered in half an hour, if it is the pleasure of the President. The papers can be sent in to the Senate to-morrow or the next day, and they can be referred to without inconvenience or impropriety, and it would be an accommodation to me that that should be the case before I proceed to address the Senate as I shall wish to do on the subject. I have consulted the honorable chairman of the Committee on Foreign Relations in reference to this matter, and he approves of the course which I suggest. I therefore respectfully ask that the resolutions of the Senator from Delaware be passed for the object that I have stated. The proposition of the 30th of April should be communicated to the Senate, and when we get that, the discussion of the subject can be resumed, if such is the pleasure of the Senate.

Mr. MASON. The honorable Senator from Massachusetts did me the honor to confer with me this morning on the expediency of passing the first resolution offered by the Senator from Delaware, in order to bring before the Senate the information to which the Senator from Massachusetts refers, and very properly refers, as pertinent to the subject under debate. It refers to the message of the President of the United States of the 18th of February last, communicating the correspondence of the British Minister in reference to the affairs of Costa Rica and Nicaragua. That letter has been referred to in the Senate in a general way; but the information is not before us, and cannot be brought before us without the adoption of this resolution. I submit, therefore, cheerfully to the request of the Senator, that the Senate should pass the first resolution. The second resolution, before it is passed, I think should be altered so as very much to enlarge the scope of it.

The PRESIDENT. The Senator from Virginia asks for a division of the question. The question will be on the adoption of the first resolution.

The first resolution, which is as follows, was adopted:

"*Resolved*, That the President be respectfully requested, if compatible, in his opinion, with the public interest, to communicate to the Senate the propositions mentioned in the letter of the Secretary of State accompanying the Executive message to the Senate of the 18th February last, as having been agreed upon by the Department of State, the British Minister, and the State of Costa Rica, on the 30th of April, 1852, having for their object the settlement of the territorial controversies between the States and Governments bordering on the river San Juan."

Mr. EVERETT. I now move a further postponement of the consideration of this subject until Monday next.

Mr. BADGER. I would suggest to the Chair whether, as these two resolutions were offered as one subject, the postponement of one would not carry the whole subject with it—the first resolution as well as the second?

The PRESIDENT. They can be divided by unanimous consent. The first resolution is adopted, and the question is on postponing the further consideration of the second.

Mr. MASON. I have no desire to interfere with the proposition of the honorable Senator from Massachusetts; but I entertained the idea that we should be able to adjourn on Monday next, *sine die*.

Several SENATORS. Oh, no; we cannot do that.

Mr. MASON. I submit the suggestion that the consideration of the subject be postponed until Saturday.

Mr. EVERETT. I have no objection.

Mr. MASON. I make that motion to test the sense of the Senate.

Mr. SHIELDS. It will be utterly impossible to do that. There is business of the Senate which requires that we should sit longer than until next Monday. I do not think it will be possible to adjourn at that time.

Mr. MASON. To test the sense of the Senate, I move to postpone the resolution until Saturday.

Mr. BADGER. I move to amend the motion by inserting Monday instead of Saturday.

Mr. BADGER's motion was agreed to.

PAY AND MILEAGE OF DAVID L. YULEE.

The Senate then took up for consideration the resolution submitted by Mr. MORTON on the 7th instant, to allow per diem and mileage to David L. Yulee during the time he contested the seat of Mr. MALLORY.

"*Resolved*, That there be paid out of the contingent fund of the Senate to the Hon. David L. Yulee, a sum equal to the amount of mileage and per diem compensation of a Senator, from the commencement of the first session of the Thirty-second Congress to the 27th of August, 1852, the day on which the Senate decided that the Hon. Stephen R. Mallory, whose seat in the Senate was claimed by him, was duly elected a member of the Senate from the State of Florida."

Mr. MORTON. All I can say in advocacy of the resolution is this: I only ask for my former colleague that justice or liberality which has heretofore been given to persons in similar cases. It is the custom of this and the other House to pay the persons who contest a seat the per diem and mileage for the proper time.

Mr. BRIGHT. I do not know that I wish to be considered in the attitude of opposing the resolution; but as I was chairman of the committee that had charge of the contested-election case, I think it is my duty to remind the Senate that the committee unanimously reported against the right of Mr. Yulee to a seat here, and the Senate as unanimously confirmed that report. Now, if it is the pleasure of the Senate to pay the mileage and per diem under such circumstances, I shall not object; but I desire the Senate before they vote, to know that the committee were unanimous in reporting against the right of Mr. Yulee, and the Senate, without a dissenting voice, on the call of the yeas and nays, confirmed the report.

Mr. DOUGLAS. I desire to say, and the Senate will recollect, that I wished a postponement of this question, that I might have an opportunity of examining it, and making a speech upon it. The examination I had given the subject convinced me, so far as it had gone, that there was great plausibility in the claim of Mr. Yulee, and I was inclined to think at that time—and I believe no man can doubt—that he believed he was entitled to a seat, and prosecuted his claim to it in good faith. No one that knows him can doubt that he believed that. And when a Senator prosecutes a claim in good faith, I have yet to learn that the Senate have ever declined to make such compensation as is asked by this resolution. If I recollect right, we have within this year paid a gentleman who did not claim a seat, or assert his right to it. It is true there were members of the Senate who thought him entitled to a seat, although he did not claim it. He set up no claim whatever. I believe there has not been a case in the history of the Government, where there has been a contest, in which the party who lost his seat has not been paid. Certainly we have not refused to pay where there has been no imputation that the contest was not made in good faith.

Mr. MASON. I think it due to the occasion to say, as I was a member of the select committee

on the subject, that although that committee, as suggested by the honorable Senator from Indiana, was unanimous in the judgment to which they ultimately came, after a full examination of the subject, and although, in my opinion, and in the opinion of the committee, the purely legal question was against Mr. Yulee, yet there can be as little doubt that the gentleman honestly entertained the very opposite opinion to the committee; and it was evinced, by the degree of perseverance—industrious perseverance—on his part to bring the subject to a favorable result. He pressed the case very strongly, and with an earnestness which showed the honesty of his intention, and his desire to have the question properly determined. He employed, and had before the committee, gentlemen of the bar very elevated in their position and of great distinction, and he must have incurred a serious expense. So that although the opinion of the committee was against him, as well as the opinion of the Senate, yet, in my judgment, the Senate should give him the compensation which this resolution proposes to give.

Mr. BUTLER. Mr. Yulee represented a State that is a neighboring one to my own. I know him very well; and while my judgment from the beginning was decidedly against him, yet if it had been a question depending entirely upon common-law principles, he would have succeeded. And when I attended before the committee, and heard the arguments made by eminent counsel whom he employed, I know there were many friends who changed their opinion, who were of opinion that Mr. Yulee was right. I must say another thing, that so far as regards that discussion, many important principles were discussed, and I think settled—settled by the judgment of the Senate. Certainly, they were presented forcibly by arguments; and I am satisfied that Mr. Yulee's perseverance—his tenacity of purpose everybody knows—upon that occasion, evinced what the Senator from Illinois says, that he was conducting this protest against the honorable Senator who fills the seat, in good faith. In that view, I am reconciled to the resolution.

Mr. BADGER. As I was on the Select Committee, and concurred entirely in its report, and from the first examination of the case, and after the arguments, could find nothing on which to hang a doubt, I think it proper to add a word to what has been said by the Senator from Virginia. I think he is certainly correct. However clear may have been the judgment of the committee and the Senate, the gentleman who was claiming the seat was firmly convinced that he was entitled to it. And there is another consideration which weighs with me. He was asserting that claim, not with the view of procuring the seat for himself in this body, but to vindicate what he believed to be a constitutional principle and the right of the State of Florida; for he declared himself unequivocally, that that being his object and his sole object, if the vote of the Senate should award the seat to him, he would not take it, but would refer the matter again to the judgment of the Legislature of Florida. It being a case, then, of a gentleman, who, however mistaken, was yet sincere, and who though prosecuting the contest with zeal and energy and at great trouble and expense, was not seeking anything for himself, either of honor or of profit, but a mere vindication of what he believed to be a legal, constitutional truth, and the right of his State, I think it is but fair and just to pay him the compensation. I hope, therefore, the resolution will be agreed to.

Mr. BRIGHT. I did not mean to intimate by the remarks which I made when first up, that I doubted the sincerity of the contestant in the case referred to. I have no doubt that he believed he was honestly entitled to the place, and believed that at common-law he was entitled to the seat. He prosecuted it, as stated by the Senator from North Carolina, with the view as he said of settling a great principle; and if it be the pleasure of the Senate, under these circumstances, to award him the pay and mileage which belong to a sitting member of this body, I certainly raise no objection. I have my doubts, however, as to the propriety of such a result.

It is a very different case from the one referred to by the Senator from Illinois. I suppose he referred to the case of the honorable Senator from Kentucky, (Mr. Meriwether,) who, I understand, has not taken the pay awarded to him under the order of the Senate, but clearly would be entitled to take it if he thought proper to do so. That, I say, was a very different case from this. There are many gentlemen in this body yet who think that he was entitled to the seat; that the limitation imposed by the Governor of the State of Kentucky in the *pro tem.* appointment given by him, was a limitation not within his power to make; that he had power to fill the vacancy for the full time and not for the time limited in the appointment. In this instance, however,—but I am not going into the case; it has been settled—Senators understand why it was Mr. Yulee claimed the seat. He alleged that twenty-nine blank votes elected him. That was the point in a few words. With the honorable Senator from North Carolina, I never believed that he had the color of a claim, nor did I suppose at the time the case was disposed of, that he would assert his right to the compensation resulting from the prosecution of his claim; but if it is the pleasure of the Senate to give it to him, be it so.

Mr. SEWARD. I shall vote for this resolution, upon the ground that when Mr. Yulee presented his objections to the sitting member, I was uncertain whether the election of the sitting member was valid or not. The objections were such as at least, in my opinion, called for a legislative investigation. The result of the investigation removed all doubt in my mind, as it did in the mind of every other Senator. I am sure that there was such a question in the way of the sitting member, that, to do justice to the State of Florida, it was necessary to examine it. Now, I think there would have been no such investigation if it had not been brought about by Mr. Yulee; and it was his right to bring it about. I think, under such circumstances, it was his duty to bring it up; and having brought it up, he certainly ought, according to the past practice of the Senate, to receive some compensation.

Mr. ADAMS. When this resolution was first offered by the Senator from Florida, I opposed it, and I have seen no reason since to change my opinion. I then thought, and I still think, that if an individual thinks proper to contest the seat of a member elected by his State Legislature, he has a right to do so; but he should do it at his own hazard, unless the grounds for the contest are so plausible as to produce some division of opinion in the body. It is known that the Senate gave to Mr. Yulee a most patient investigation. They gave him a committee of this body—a learned and wise committee. That committee heard his counsel, and after every Senator had made up his mind, he was permitted to appear at the bar and make a speech of two hours at the close of the session when our appropriation bills were in danger, and when every Senator, notwithstanding his respect to him personally, had so completely made up his mind that there were few listening to his argument, and then after having consumed that period of anxiety and excitement, the liberty was extended to him to consume another hour; and after all that, not one single member of the body voted to give him his seat.

If, sir, we set this down as a precedent, where the claim was so fallacious as not to be able to get one man out of sixty-two to vote for it, and we should pay him for the entire session, we may as well pass a resolution that whoever runs against another and is defeated and contests the seat, shall be paid a per diem and mileage for the first session, and that will save the trouble of the Senate investigating each claim. What propriety, I ask Senators, is there in allowing Mr. Yulee pay, simply because he thought proper to prefer a claim to the seat of an individual elected to this body? I can see none. I know the House of Representatives has been in the habit, where a contest was plausible, and a doubt was entertained, and a difference of opinion prevailed in regard to the right, to refer it to a committee for investigation, and when the conclusion had been arrived at to pay both. I know that upon many occasions when this question has been determined in favor of one over the other claimant, where there was a doubt, and where it was thought right and proper that the question should be brought before the body, they have been paid. But, where the decision is unanimous, that the claim is an unfounded one, I can see no propriety in making the payment. If we do that, every man who thinks proper to do so, may come here and set up a claim, and although he may have the unanimous vote against him, he must have his mileage and per diem. He may stave off the decision the whole of the session, and go home and attend to his business and come back here at the end of a session of nine months, and obtain pay for the whole time. It may seem to some to be a matter of no consequence, but the principle involved is an important one, and we should properly decide it.

Mr. MORTON. It is perhaps due to myself and to my late colleague that I should here say a word. During the pendency of the contest before the Senate between my late and my present colleague, I studiously avoided participating in it in any form or shape. The acts and doings of my Legislature were passed in review before the Senate; but propriety on my part, I thought, required that I should not participate in the contest so long as it assumed no broader ground than the contest between the two gentlemen. In truth, the questions involved were constitutional and parliamentary questions, which I did not think myself qualified to decide; and I was willing that they should be decided by the able parliamentarians and constitutional lawyers elected by the Senate to decide the question. They, after nine months' consideration, decided that question, in which decision the Senate acquiesced. I have not a word to say in opposition to the decision. My situation was a delicate one. My relations were of the most friendly character towards both gentlemen. They both belong to a different party organization from the one to which I belong; and of course my vote on such a question could not have been controlled by a consideration of that kind. But I think it due to my late colleague, who now stands in the position of a constituent to me, that I should say here to the Senate, as most Senators who know him will believe, that he honestly and religiously believed that he was entitled to the seat which he demanded; that he believed it involved a high constitutional question which should be decided by the Senate; that he was not influenced by any sordid or mercenary motives in prosecuting the contest; that nothing of the kind had influenced him, but that he honestly believed that he was entitled to the seat.

As to the allusion which the Senator from Mississippi makes to the time during which the contest was pending before the Senate, the committee will bear me out in saying that it was no fault of my late colleague. The Senate will recollect the constitution of that committee; that after it was first appointed, some three or four were called home and vacated their seats, and other members had to be appointed. My late colleague was anxious that a prompt decision should be had; every courtesy was extended to him. He was heard before the committee and before the Senate. It is true he was heard, as the Senator from Mississippi said; but, if I may use an Irish bull, he was heard but not listened to. It was too near the close of the session for the Senate to attempt to review and pass judgment upon the decision of the committee.

I have felt bound in justice to my late colleague to say this. I think he was operated upon by no mercenary views and motives whatever. If he had been he would have gained nothing, for I doubt not that the loss of time, which was valuable to him, and the expenses incurred in the prosecution of his claim will not be covered by the amount of compensation proposed to be given him by this resolution.

Mr. BORLAND. I shall vote for this resolution, as I think all such resolutions have heretofore been adopted, so far as I can learn, both in the Senate and in the House of Representatives, without any reference to the question involved as affecting the right of the sitting member, or the one who lost his seat. All that I understand has been looked to in the action of either House, in settling a question of this kind is, Did the individual act in good faith in prosecuting his claim?

Mr. ADAMS. I will explain what I understand to be the case. Formerly, when an individual claimed the seat of the sitting member, and the sitting member was ousted, then the sitting

member, and the one entitled to the seat were both paid. That was the custom for some time. More recently, I admit, the course mentioned by the Senator has been followed.

Mr. BORLAND. I am not thoroughly informed on this subject; but so far as I do know, there has never been an instance when the *per diem* and mileage has been refused. I have never heard of an instance.

A SENATOR. The Senator is mistaken.

Mr. BORLAND. The Senator says I am mistaken. I am aware that my information is not perhaps as extensive as that of other Senators; but I am not aware of an instance. I think I may speak confidently in saying there has been no instance in the proceedings of the Senate.

But, Mr. President, something has been said with regard to the unanimous decision of the Senate upon the contested question—that there was no difference of opinion in the committee or in the Senate. It is true, that was the result; but we all know—nothing is better known—that in the beginning of that contest, and for a long time during its pendency, there was great doubt in the minds of gentlemen—very great doubt. I know that while some Senators doubted, others were of the opinion that Mr. Yulee was entitled to his seat, but who changed their minds after the investigation was had, and voted the other way. And some gentlemen did not vote at all, because, as they alleged at the time, the report of the committee had not been long enough before the Senate to enable members to examine it for themselves, and consider all the questions which were presented. I know several, myself among them, who failed to vote for that reason. Sir, nobody doubted, I apprehend, that Mr. Yulee prosecuted his claim in good faith, whatever may be their opinion of his judgment in the matter. I know further that before he commenced the prosecution of it, he consulted a great many Senators; that he took the opinion of a number of Senators, learned and experienced. While some expressed the opinion that he was entitled to the seat, hardly any whom he consulted failed to say there were plausible grounds in his favor, and really no good reason for supposing a good claim might not be made out. He undertook the prosecution of it, after consultation and advice; and I am satisfied upon as honest convictions as any man ever entertained that he was entitled to the seat.

Now, sir, with regard to the case quoted by the Senator from Illinois, and by the Senator from Indiana, (the Kentucky case,) it makes no difference whether the gentleman claimed his right to a seat or not. The Senate voted, I believe unanimously, that he, without contesting his seat, without even asserting his right to it, should have the *per diem* and mileage. It was supposed by many that there was a great principle involved, which was brought before the Senate to be settled. And in consideration of that fact, and because it was not one of those cases pressed before the Senate in a factious spirit, or for any personal advantage to the individual, the Senate awarded the *per diem* and mileage, acknowledging that it was convinced that he was entitled to it.

Mr. HOUSTON. I do not desire to occupy the time of the Senate, but I will take the liberty for calling for the yeas and nays on the question. I think there is no analogy between this case and the case referred to by the Senator from Arkansas, the Kentucky case. There was a division of sentiment in the Senate in relation to that case, and it was argued here by Senators. In the case of Mr. Yulee, so far as I recollect, there was no discussion in the Senate, nor any speeches made except by the contestant. I believe he convinced no one of anything except that his zeal extended only to an anxiety to displace the sitting member. However that was, and however zealous he might have been in the advocacy of constitutional principles, and however strong his desire might be to maintain them, I could not pretend to say; but it was very singular that the Senate should unanimously concur in the opinion that he was not entitled to a seat, and that he alone, when the facts were understood, as they must have been, should believe that he was entitled to a seat, and that the sitting member was not. Whatever expense may have accrued from the employment of counsel, Mr. President, forms no part of the consideration with me. I do not know how other gentlemen regard the system of receiving counsel before the committees in the argument of cases; but for myself, it is a system that I would not encourage. If trials are to go on in committee rooms, and the committees are to give audience to the counsel that go there for the purpose of litigating cases, there will be no end to it. I understand the gentlemen of the Senate to have sufficient capacity, especially such as constituted that committee, to arrive at sensible and just conclusions upon any subject, and to be able to make a decision as learned and sensible and just, as if they had all the able legal counsel in the United States to argue the case before them. It is the case in both branches of the National Legislature, that counsel are received and the cases tried *pro* and *con* in the case of impeachment, which are always *ex parte*; and the body acts as an inquest, and a special trial takes place, and no conclusions ever can be arrived at, because days are consumed just by the presentation of counsel and elaborate arguments. The cases here in this Senate, and if I understand it, in the House of Representatives also, are to be prepared for investigation in committees, and presented in the body where the trial in chief takes place.

If the gentleman in whose behalf this resolution has been introduced was the only human being mistaken in a case, the facts of which he must have misunderstood, his judgment certainly must have been very defective, and I think that if the rejection of this resolution would operate to rebuke gentlemen under similar circumstances, it ought to be rejected. I call for the yeas and nays.

Mr. BRODHEAD. As the yeas and nays are called, I beg leave to say that I think the honorable Senator from Texas misunderstands the true point in the case. He seems to think that it was a question of fact, and that Mr. Yulee should have ascertained that fact as well as the members of this body. If I recollect the case it was a question of law, and one with regard to which I doubted very much. The only question now to be decided is, as to the intentions and motives of Mr. Yulee. If he came here in good faith to bring that great question to the notice of the Senate, as he did with great ability, then, according to the usage of the Senate, he ought to be paid, and no invidious distinction should be made against him. Believing, as I do, that he came here in good faith, and knowing that he labored assiduously to get an early decision of the question, I shall most cheerfully vote for the resolution.

Mr. HOUSTON. The honorable Senator from Pennsylvania misapprehends me entirely. I did not state that it was a mere question of fact which was to be tried by the committee. It was a matter of law, as I understood it, and it was referred to a most select and judicious committee of gentlemen learned in the law, perhaps quite as much so as the gentleman who claimed the seat, or as the counsel he introduced before the committee, and equally competent to arrive at a just decision. It was a matter of principle that they could investigate as well as the fact. I do not think any evidence was introduced to sustain the claim of the applicant to the seat. I never heard there were any facts in the case but those which were admitted by all parties, and it was strictly a matter of constitutional law which they had to decide. In arriving at a conclusion, they had as many lights before the committee as could be furnished by the most able counsel, and were just as competent to decide the case correctly as after all the elaborate arguments of the counsel upon the subject. I cannot suppose that it was because it was a principle contended for by the gentleman, and that principle was in itself absurd, without any reason or foundation, we should vote an appropriation for his benefit, if he misapprehended a principle of law; for he was a learned jurist himself, and ought to have understood it. If his anxiety extended no further than merely to have a constitutional principle investigated and decided, the committee were competent to do that; and if he employed counsel, it was extraneous to the necessities of the case entirely, and I cannot vote for the resolution, either to cover the contingency of his attendance or for the employment of counsel.

Mr. WALKER. I shall vote for this resolution, and I believe the Senate would make an invidious distinction in the case of Mr. Yulee if they refuse to adopt it. It is claimed here that Mr. Yulee, for the principle for which he was contending, was negatived or decided against by a unanimous vote of the Senate. I do not remember precisely how the vote stood. If my recollection however serves me properly, the record will show that the number by which it was settled against him was a very small list of members; that there were a great many who did not vote at all, a great many who at the time had not made up their minds, and did not wish to be committed upon the record. I believe it will be found that I did not vote at all; and to this day, I must say, that whatever I may feel as to persons, I have extreme doubts in regard to the principle contended for by Mr. Yulee. What was it? It was a thing that affects us in the western and northwestern States, where the township system of government prevails, where the people come out and are called upon to say who they want for officers. Suppose a man is put in nomination, and there are twenty-nine who vote for him by name, and there are twenty-nine others present who cry out to the chairman of the board "Blank;" what, sir, would be the duty of the man sitting as chairman of the board, and of the board itself? To declare that there was no election? If that were so declared in eight cases out of ten an election might be prevented. Here is a plain case which comes practically to the mind of every man who comes from a State where the township system prevails.

This might be a practical question in those cases, and I must say, to this day my mind is not clear upon the point; and when gentlemen arise here and pronounce the principle raised as absurd, it seems to me they do not reflect upon the length to which the matter might be carried. It was a majority of the Senate I believe who voted unanimously that there was nothing in this thing. That is the way Mr. Mallory took his seat. There is no one more gratified to associate with that gentleman than myself. He represents his State most ably, and in social life is all that we could ask of him. But it is not a question as between the present sitting member and the one who contested his right. It is a principle that runs into the law of election; and it is one, I will venture to say if you bring it up in a different way, the Senate is not at this day prepared to determine. I do not agree, therefore, with those who pronounce this thing an absurdity.

If this be the state of the case, where was Mr. Yulee's fault? I believe this is the state of the case; and the record will show that there was far from being a unanimity in the body by an affirmative voice in favor of the absurdity of Mr. Yulee's position. The Senate was thin at the time, if I recollect aright, and by no means all who were present voted on the question. They were not satisfied with regard to the matter. The subject, however, is not now before the Senate. I am willing to bow to their decision. But this thing might come up with some phases that would leave the Senate exceedingly embarrassed to decide it. This, then, was the position of Mr. Yulee. He was contending for a principle of law, and contending for that alone; for as it resulted, really he was not contending for the seat for the purpose of occupying it; and I must say it would look a little hard to him, after he has persevered in the matter, as he did apparently with candor, with sincerity, and with magnanimous views, that he should now be turned off entirely, and told not only that he was voted and expelled as it were, by the unanimous vote of the Senate, but that it also should be said to him, contrary I believe to almost every other case that has ever come before the Senate, that he was not entitled to its consideration at all, so far as having a portion of the expenses with which he was embarrassed, paid out of the contingent fund of the Senate. It is in that point of view I look at the matter. He was our honorable associate in Congress. He occupied an honorable position in this body. We then fellowshipped with him. We looked upon him as one who represented, and represented well, the interests of Florida. Whether Florida considered her interests as well represented by him or not, I do not know, but we considered him as an efficient member, and in social life he was a gentleman.

We never saw him in a debauch. We never saw him degrade himself below the position of a gentleman. We always found him a kind, courteous, and affable gentleman; and it does look to me a little hard that when he is not here, when he is no longer before us, that we should in this manner turn the cold shoulder to him, and not be willing to do for him what we always do in such cases. I do not let my recollections go in this manner. I remember that man with kindly recollection. I found him here when I came here. There are few in this Senate who were here then; and I shall continue to remember him in the kindly relations of social life, as a gentleman; one who for the time being, occupied a respectable and honorable seat here; and when gentlemen assert that the position which he took in this contest was absurd, they will, I think, have some abatement of their zeal and earnestness in that assertion, when they reflect into how many channels the doctrine for which Mr. Yulee was contending may run. I think that we ought, in justice to Mr. Yulee, vote this compensation. I shall be glad to see it done.

Mr. BRIGHT. I can say, in all sincerity, that my recollections of the late Senator from Florida are of the same character with those mentioned by the Senator from Wisconsin; but a sense of public duty often compels legislators to forget personal feelings, and that is the case with myself in this instance. If I were to consult my own personal feelings, I would vote out of the public Treasury the amount of compensation and mileage proposed to be appropriated by the resolution under consideration. But, sir, my sense of public duty, as a legislator, prompts me to a different course. I have no anxiety to extend this debate, but I rise mainly to correct some remarks made by the Senator from Wisconsin.

He compares this to the case of a ballot before the people. There is no analogy whatever between the two cases. By a law of Florida, passed in 1844, no officer could be elected in the joint vote of the two Houses of her Legislature unless he received a majority of all the votes elected—not a majority of all the votes present, merely. To elect any gentleman a Senator, a judge of the circuit or district court, he must receive not merely a majority of the votes present, but a majority of the votes elected to the Legislature. Now, on the first ballot for a United States Senator, there being fifty-nine members in the two Houses, and there being fifty-eight votes in the joint meeting of the two Houses at that election—on the first ballot Mr. Yulee received twenty-nine, and "blank" received twenty-nine, one member being absent. The presiding officer declared that there was no election. A second, third, and fourth ballot were had with a like result. The convention adjourned until the following Monday, when the sitting member from Florida [Mr. Mallory] received thirty-one votes, and was declared duly elected, came here, was sworn in, and took his seat. Now, what did Mr. Yulee contend for? That the twenty-nine votes he received elected him. Why? Because the twenty-nine votes given for "blank" were not legal votes, entitled to be recognized by law. Perhaps he might have been correct, according to the common-law principle, if there had not been a statutory enactment staring him in the face, which made it a clear proposition, that by the laws of Florida no man could be elected to any offices indicated in the law, who did not, as I remarked before, receive a majority of all the votes elected to the Legislature. That was the point upon which the committee decided the case, and that was the point understood by the Senate when they ratified that report.

I do not propose, however, to extend my remarks upon the subject. As I remarked before, I do not wish to be considered as standing out alone against the payment of this modicum of money, perhaps two or three thousand dollars, to Mr. Yulee. If I believed he had a right to it, I would vote for it. If I consulted my personal feelings I would vote for it; but I believe the precedent would be a wrong one to set, and I believe he had no color of claim to the seat; and in that view I shall take the responsibility of voting against the resolution, notwithstanding the personal relations in which I stood to Mr. Yulee.

Mr. THOMPSON, of Kentucky. As I shall perhaps be in a small minority in voting against this resolution, I desire to say a word or two in reference to it. Both in this House and in the other branch of Congress, it seems to me there has grown up a great abuse in reference to this thing of paying gentlemen who contest seats. The common-law notion is, that he who sets up a false clamor, whether it be in an action of ejectment for land, or in regard to personal property, if he fails to establish his right, he is amerced, and gets no mercy for his false clamor. A man is returned to either House of Congress. The presumption of the law is that the certifying and returning officers have done their duty. By the presumption of common sense and the common-law, the man returned by them is supposed to be the man entitled to his seat. A gentleman chooses to contest it. When he makes that contest, and, after a fair trial, loses it, and it is decided that he is not entitled to it—but one man is entitled to the *per diem*, the mileage, and the perquisites, whatever they be, you duplicate the pay for a contest which has delayed you in time, and caused you various other expenses; and thus, instead of letting the common-law notion prevail, you turn round and say that you will pay him for contesting a seat which you yourselves say he was not entitled to. If a man chooses to contest a seat, let him do it at his peril. I do not believe in the public policy of remunerating a man for coming here to contest a seat which you, by your own judgment, decide by the law of the land that he is not entitled to. It looks very much like belonging to that branch of the law pertaining to barratry and champerty., It does not look like the straight-forward, Anglo-Saxon notion about the stirrers-up of litigation. I say this without reference to the parties in the two cases which have been alluded to.

In the other branch of Congress I for some time belonged to the Committee on Elections. We had various contests and various controversies; and I regret to say that almost universally in the committee and in the House, the opinion of the members upon the legal question affecting the right of the member, went with the party, not by the law. A large volume of contested-election cases was given to us to enlighten us upon that subject. It contained precedents that were never followed, never looked after. We had there year after year contested-election cases as you begin to have them now in the Senate; and I insist the only way to discourage the thing, is to decide that one man is a Senator and entitled to the emoluments and to the pay; and that whoever undertakes to contest the seat of a member and fails should suffer for his false clamors. That will stop contested-election cases. I have read a vast number of these precedents. I remember when quite a young lawyer, the celebrated case of the contested election of Moore and Letcher of Kentucky. The other branch of Congress, after deliberating eight or ten months, and giving both parties the mileage and per diem, decided, although somebody must have been elected, that there was no election, and it was referred to the people. They could not count the votes, I suppose, and both came back and had a second race. This thing of putting it under the head of courtesy and compliment; this thing of saying that the man who contests is to be paid for it; that he does it for mere patriotism, is, in my judgment, all wrong. *Malus usus abolendus est.* While I am here, I will vote for no such claim.

The Senator from Indiana has said that a late Senator from Kentucky declared that he would not take the pay voted to him. I mean to say nothing harsh of that Senator or of Mr. Yulee; but as I understood the thing in Kentucky, the Senator from Kentucky (Mr. Meriwether) came here not contesting the seat. By its own mere motion voluntarily, without any claim or pretense, the Senate gave him a sort of pension, voted the mileage and per diem to that gentleman until the time when the case was decided. The Senator from Maryland tells me that instead of the Senator from Indiana being correct, Mr. Meriwether has received the pay. Am I mistaken or not? The gentleman says I am right. Where is this thing to stand? I say that taking cases as they come up here, not to say anything harsh against either of the gentlemen, it would be an encouragement for contestants to come to this body and to the other branch of Congress and claim seats. The old common-law doctrine is, let the man have the seat and its perquisites and profits who is entitled to them, and then the man who by the judgment of the proper tribunal fails in his claim, let him go out of court and take nothing by his declaration. I shall vote against the resolution, while towards Mr. Meriwether and Mr. Yulee I have nothing but the kindest feelings. In my judgment it is impolitic to sanction such a principle.

Mr. ADAMS. If the Senate is prepared to vote, I have no objection; but if the debate is to continue, we have a special order for the election of our officers.

Several SENATORS. Let us vote now.

Mr. ADAMS. I just wish to say that no one has said aught against Mr. Yulee personally.

Mr. PETTIT. Not being advised upon this question sufficient to do justice either way, I ask to be excused from voting.

The PRESIDENT. The Senator will be excused, if there is no objection.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 19; as follows:

YEAS—Messrs. Badger, Borland, Brodhead, Butler, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Everett, Fitzpatrick, Gwin, Hunter, James, Jones of Iowa, Mason, Morton, Sebastian, Seward, Shields, Soulé, Sumner, and Walker—23.

NAYS—Messrs. Adams, Atchison, Atherton, Bayard, Benjamin, Bright, Chase, Geyer, Hamlin, Houston, Norris, Pearce, Phelps, Rusk, Stuart, Thompson of Kentucky, Thomson of New Jersey, Weller, and Wright—19.

So the resolution was adopted.

ELECTION OF OFFICERS.

The PRESIDENT. The hour has arrived which the Senate set apart for the election of certain officers of the Senate.

Mr. ADAMS. If I have the unanimous consent of the Senate, I move that Asbury Dickins be elected Secretary, Dunning R. McNair Sergeant-at-Arms, and Isaac Holland Doorkeeper.

Mr. SHIELDS. I will move to postpone the execution of the order until Monday next. I presume there will be no objection to that motion.

Several SENATORS. This hour has been fixed upon for proceeding to the election.

Mr. ADAMS. I hope we may have a vote on my proposition.

Mr. SHIELDS. There is no absolute necessity for proceeding with the election to-day, and if it lies over until Monday it will produce no difficulty. We ought to have an Executive session.

Mr. DODGE, of Iowa. I hope the motion of the Senator from Illinois will not prevail. I hope the Senate will proceed to the execution of its order, adopted upon its deliberate judgment, which was a proceeding with which in the initiative or the consummation I had nothing to do. But the time has arrived for carrying it out, and I hope it will be done.

The motion to postpone was not agreed to.

Mr. ADAMS. I now ask the unanimous consent of the Senate to pursue the course which I suggested, that the persons whom I have named be unanimously elected.

Mr. SMITH. I think we ought to elect the officers of the Senate in the ordinary way.

The PRESIDENT. Objection being made, Senators will prepare their ballots.

The Senate then proceeded to ballot for the officers, with the following result:

For Secretary.

Whole number of votes cast		42
Of which Asbury Dickins received		37
B. B. French	"	4
Colonel Hickey	"	1

For Sergeant-at-Arms.

Whole number of votes cast		36
Of which Dunning R. McNair received		24
Robert Beale	"	5
Charles Jones	"	2
Mr. Holland	"	1
Blank	"	4

For Doorkeeper.

Whole number of votes cast		41
Of which Isaac Holland received		33
Blank	"	3
Sam'l J. Johnson	"	1
Charles Jones	"	1
Joshua Holland	"	2
Mr. Bassett	"	1

Mr. Dickins, Mr. McNair, and Mr. Holland, having been declared elected to the respective offices, the oath of office was administered to them by the President of the Senate.

RECESS.

Mr. HAMLIN. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. BADGER. I think it was a little unkind for the Senator to submit that motion. [Laughter.]

Mr. HAMLIN. I thought the Senator was not in the Chamber. I withdraw the motion to permit him to make it.

Mr. BADGER. I renew it; and wish to state a satisfactory reason why it should be agreed to, and why I intended, at the proper time, if the Senator had had patience, to submit the motion. To us on this side of the Chamber it is a matter of very slight importance to adjourn over; but it must be remembered that there are vastly important matters to be attended to connected with the business of the Senate which must interest a great many of our friends on the other side of the Chamber; and we shall actually hasten business by allowing them two or three days to make the preliminary arrangements.

Mr. WELLER called for the yeas and nays on the motion; and they were ordered.

Mr. PETTIT. I sincerely hope, for the reasons assigned by the Senator from North Carolina, that the motion will prevail. For one, I must say that I have been besought and begged by those for whom I have a great respect, to attend to some business for them; and I want to accommodate them, and see the heads of the Departments on their account. I have promised that as soon as I could get away from the Senate I would attend to their business, and I have almost promised some of them that if I could not get into the Departments I would take a mall and batter the doors down. I think I shall do that to-morrow. [Laughter.] That, of course, is in a figurative manner.

The question being taken, resulted—yeas 24, nays 16; as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Bayard, Bright, Brodhead, Butler, Cooper, Dodge of Wisconsin, Douglas, Fitzpatrick, Hamlin, Jones of Iowa, Morton, Norris, Pettit, Rusk, Sebastian, Soulé, Stuart, Thompson of Kentucky, Thomson of New Jersey, Walker, and Wright—24.

NAYS—Messrs. Adams, Benjamin, Borland, Chase, Evans, Everett, Geyer, Houston, Mason, Pearce, Seward, Shields, Smith, Sumner, Toucey, and Weller—16.

So the motion was agreed to.

THE LATE SERGEANT-AT-ARMS.

Mr. SHIELDS submitted the following resolution:

Resolved, That the Secretary of the Senate pay to Robert Beale, late Sergeant-at-Arms, the salary for the residue of the present year.

ADMITTANCE TO THE SENATE FLOOR.

Mr. FISH. I desire to call up the resolution which I submitted yesterday to amend the 48th rule of the Senate. It is to give to Senators the privilege of the floor.

The resolution was taken up for consideration.

Mr. SHIELDS. I move to amend the resolution by inserting in the rule before "members of either branch of Congress," the words "Secretaries and Clerks." The object of that is to admit ex-Secretaries of the Senate, and ex-Clerks of the House of Representatives, who have always been admitted on the floor of the Senate. I suppose it was an oversight on the part of the mover of the original resolution that it was not inserted.

Mr. FISH. I accept that.

Mr. PETTIT. I certainly am not in favor of that resolution. I had no idea that it would be taken up so soon. It would exclude a member of the other House from coming in here and taking his seat beside his Senator, to converse with him about matters of legislation. It ought not to be done. A member of the other House—not to say an ex-member—but a sitting member, during the session of Congress, ought to be at liberty to come in and take a seat beside his Senator to talk about any other matter mutually interesting to them and the country. The resolution is certainly too stringent on that point, and it is perhaps equally stringent and wrong in other respects. That is clearly wrong. A member from my State may want to come in and talk with me, and it would be more convenient for him to take a vacant seat beside me than for me to leave the Senate Chamber and go out with him.

Mr. BUTLER. I do not know how he could take a seat beside the Senator, unless he would occupy some other Senator's seat, and that is the very thing I complain of in many instances.

The resolution was then adopted; and the rule, as amended, reads as follows:

The following persons, and none others, shall be admitted on the floor of the Senate: Members of the House of Representatives and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the Private Secretary of the President, chaplains to Congress, judges of the United States, foreign ministers and their secretaries; officers who by name have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the Governor for the time being of any State or Territory of the Union; the ex-Governors of the several States; the ex-officers of the Senate, such gentlemen as have been heads of Departments, or secretaries and clerks and members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial Legislatures, and persons belonging to such Legislatures of foreign Governments as are in amity with the United States.

No person except members and officers of the Senate shall be admitted at either of the side doors of the Senate Chamber, and all persons claiming admission on the floor, excepting members and the Clerk of the House of Representatives for the time being, the heads of the several Departments, the Private Secretary of the President, the chaplains to Congress, the judges of the United States, foreign ministers and their secretaries, and officers who by name shall have received the thanks of Congress, or medals by a vote of Congress, shall, each time before being admitted upon the floor, enter their names, together with the official position in right of which they claim admission, in a book to be provided and kept at the main entrance to the Senate Chamber; and no person except members of the Senate shall be allowed within the bar of the Senate, or to occupy the seat of any Senator.

NAVAL DEPÔT IN NORTH CAROLINA.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be directed to inquire whether it will not be advantageous to the Government of the United States to establish a naval depôt at Beaufort in North Carolina, and report to the Senate at the next session.

RINGGOLD'S COAST OF CALIFORNIA.

Mr. GWIN submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be authorized to purchase one thousand copies of Ringgold's maps, charts, and sailing directions of the coast of California, for the use of the Senate: *Provided*, The price shall not exceed four dollars per copy.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened, and

The Senate adjourned.

MONDAY, *March* 21, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

On motion by Mr. BAYARD, it was

Ordered, That Santiago E. Arquillo have leave to withdraw his petition and papers.

On motion by Mr. SEBASTIAN, it was

Ordered, That one thousand extra copies of the report of the Superintendent of Indian Affairs in California be printed for the use of the Senate.

Mr. WALKER, by direction of a majority of the Committee on Indian Affairs, submitted the following resolution:

Resolved, That the Committee on Indian Affairs be, and they are hereby, authorized to delegate one of their number to proceed, during the ensuing recess of Congress, to take testimony in the matter now on reference to said committee, touching certain frauds alleged to have been committed by Alexander Ramsay and others, in making payment of moneys to certain bands of the Sioux Indians; and that the member of said committee so to be delegated have power to proceed to such points as may be necessary, and to send for persons and papers, and swear witnesses, and take their testimony, and certify the same with other proofs to said committee for their report thereon at the next session of Congress.

Mr. HAMLIN submitted the following resolution:

Resolved, That the same extra compensation be allowed to the Superintendent of Printing and the clerks and messenger under him, as is paid by the resolution of the Senate to other clerks and messengers of a similar grade.

Mr. MORTON submitted the following resolution:

Resolved, That the Secretary of the Senate is hereby authorized and required to purchase for the use of the Senate five hundred copies of the work entitled "Naval Dry Docks of the United States;" and also five hundred copies of the work entitled "Naval and Mail Steamers of the United States," by the Engineer-in-Chief of the United States Navy: *Provided*, The first work does not exceed ten dollars per copy, and the latter five dollars per copy.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the following resolution, which was submitted by Mr. CLAYTON on the 7th instant:

"*Resolved*, That the Secretary of State be directed to communicate to the Senate such information as it may be in the power of his Department to furnish, in regard to the conflicting claims of Great Britain and the State of Honduras to the Islands of Roatan, Bonacca, Utilla, Barbarat, Helene, and Morat, in or near the Bay of Honduras."

Mr. EVERETT. Mr. President, it has not been my intention, as I had the honor to state to the Senate on Thursday last, to engage in the debate which has been conducted with so much ability in this place, during the last eight or ten days.

It was quite natural, in fact it was unavoidable, that the Senator from Delaware, [Mr. CLAYTON,] after returning to the Senate, of which for twenty-four years he had been one of the brightest ornaments, should be desirous of availing himself of the first opportunity of vindicating the negotiation of the treaty of the 19th of April, 1850, which was conducted by him under the direction of President Taylor. It was not less a matter of course that the chairman of the Committee on Foreign Relations, [Mr. MASON,] and that the Senator from Illinois, [Mr. DOUGLAS,] who had taken part in the debates of the last session, should reply to the statements of the honorable Senator from Delaware. But, for my own part, my humble connection with the affairs of Central America is much more recent and slight. Entirely a stranger to the negotiation of the treaty, and not less a stranger to the debate which took place in this Chamber in the early part of the last session, I should have considered it rather obtrusive to throw myself into the discussion of the general subjects which have been controverted with so much ability by the gentlemen to whom I have just alluded. I will also take the liberty to say, that when I took my place upon this floor about three weeks ago—and I consider it the highest honor of my public life that I have been permitted to have a seat here—I came here in such a state of complete exhaustion, bodily and mental, after the fatigues of the last winter in another capacity, that I felt myself altogether indisposed to any considerable mental exertion.

But the discussion that has taken place in reference to the history of past events has connected itself with the present condition of affairs in Central America, toward which my attention has been recently called. A communication was made to he Department of State in the early part of February by the Minister of the British Government, at Washington, with the express intimation of a wish that the purport of that communication should in some proper public form come before the Government of the United States. That was done through the medium of a report from the Department of State to the President, of the 16th of February, which was by him sent to the two Houses on the 18th of the same month. That communication seemed to me to afford an opportunity of making a new effort, with considerable prospect of success, to bring all the difficult controverted matters in that quarter to an amicable and desirable issue. It seemed to me particularly to suggest the propriety of putting our diplomatic relations with Central America upon a better and more efficient footing than they have stood upon for some time past. This suggestion was made by me to the President; it was approved by him, was by him submitted to Congress, and has been honored by their sanction, the two Houses having made the requisite appropriation for a full minister to be sent by this Government to the States of Central America, to reside at either or any of the capitals of those States, respectively, as he may think expedient, and thus to be able to bring to bear all the influence of his character and station in reconciling the difficulties which exist between those Republics, and bringing the questions at issue between them and us to an amicable settlement.

There are other circumstances which led me to suppose that this was a propitious moment for making this effort; and it does seem to me, from the character of the recent debate, that if it should now finally terminate without any allusion to those circumstances, it would, as I stated last Thursday, leave upon the public mind, not only an incorrect, but a somewhat painful impression as to the real state of affairs in that part of the world, and our connection with them; that the country would be alarmed with the idea that the state of affairs is more critical in that quarter than it really is. To rectify this impression is the main object of my addressing the Senate at this time.

Before I do this, I wish to make my acknowledgment to the distinguished Senator from Illinois, [Mr. DOUGLAS,] whom I do not at this moment see in his place, for the very complimentary notice he was pleased to take of the letter addressed by me on the 1st of December to the Ministers of France and England on the subject of the tripartite convention relating to Cuba. If I could think that he did not, in the warmth of the argument in which he was engaged, overstate the merits of that letter, I should certainly feel that, with the favorable notice taken of it by so distinguished a judge, my highest ambition as a public man ought to be satisfied. It was a subject of great difficulty, importance, and delicacy, dividing to some extent the opinions of the people, and it was my desire in that matter, to find out if possible, and to assert a line of principle and of policy which would be generally approved by the country; which would show that it was possible to reconcile the progressive spirit and tendency of the country and of the age with the preservation of the public faith, with the sanctity of the public honor, and with the dictates of an enlightened and liberal conservatism. This was the object which I had in view, and if I shall be thought in any degree to have attained it, my utmost ambition will be satisfied.

Allow me to say one other word, as I have alluded to this topic, of a personal nature. Called as I was, in the month of November last, without a day's preparation, after a retirement of seven years from all active participation in political life, to occupy—but alas! sir, how far from filling—the place of one of the foremost statesmen of the age; called upon within three or four weeks, the greater part of which time was passed in the bustle of an inn, without a book to refer to, without a leisure moment for research or inquiry, to take up such important questions as the Lobos Islands, the Crescent City affair, the difficulty about the fisheries, and then this last great subject of a tripartite convention; to dispose of all these questions under the daily pressure of the routine of the Department, enough of itself to put to the test the stoutest capacity of labor and endurance, I did feel that this was a task of no ordinary magnitude, and one that should entitle a person to some charitable consideration for any imperfection or defect in the performance of his duty. And, sir, if in the State papers which I was obliged, in very rapid succession, to produce, it should be found, under the severe scrutiny to which they must of necessity be subjected, that some things,—as I understand is alleged to be the case,—are omitted which had better been said, that some things are put forward which had better been reserved for other opportunities, and some things stated, abstractly true, but without sufficient qualification and guards, if anything of this shall be found, I trust that due allowance will be made; as I also confidently trust it will still be found that there is nothing committing the honor or the interest of the country.

The hondrable Senator from Illinois cited some sentences from my letter of the 1st of December, 1852, which he thought were in direct contradiction, on the ground of constitutional principle, with some of the provisions of the treaty which was negotiated by my friend from Delaware. Now, sir, I think that if a due allowance is made for the entire difference in the nature of the compacts, and of the relations of the contracting parties to the subject-matter, the total dissimilarity in the geographical and historical circumstances that give the character to the two conventions, it will be allowed that the constitutional doubt which I expressed—for it was but a doubt—and which applied in the one case, does not apply in the other. Sir, the compacts were totally different. One of them, the Cuban convention, would not have received, I am sure, a single vote in the Senate, if the Executive had been ill advised enough to send it here. The other was confirmed by a majority largely exceeding that which was required by the Constitution. The Senator from Delaware has said that he concurs in the principles of the letter of the 1st of December, and he has shown you that the policy pursued by him towards Cuba was precisely the same as that pursued by the late Administration. If there is the difference which the Senator from Illinois thinks there is between some of the doctrines of the Cuban letter and the principles of the treaty, I should feel that it behoved me quite as much to look to my letter, as it does the Senator from Delaware to look to his treaty; and instead of attacking him, I should think it was much wiser for me to look around to find how I might fortify myself. In fact, my friend from Delaware is one of the last men with whom I should wish to engage in a parliamentary warfare, even with the advantage of the alliance of a leader so vigorous and skillful as the Senator from Illinois. I should fear that that alliance would prove an "entangling alliance" to me, which, if not absolutely unconstitutional, it might be very unadvisable one for me to enter into.

But it is time that I should proceed to the exposition which I propose to make, and which I must forewarn you, Mr. President, in the outset, is to be of a plain, business-like character, which it would be idle to seek to invest with any rhetorical attractions. Our relations with Central America have for some time formed one of the most important topics of consideration within the whole range of our foreign relations,—an importance out of all proportion to the consequence of these States themselves; that is, either to their population, to their political weight, or to any commercial relations which we either have or ever can expect to have with them. The five States, Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica, all together do not contain a population greater than that of the single State of Ohio. And that population, instead of being compact, homogeneous, brought together, is divided into five States, with their capitals remote from each other, with very inadequate means of communication, and in other respects wholly disabled from making itself felt in any relations with foreign countries, like the population of the State, the noble State, which I have just named. The State with which we have been brought most into connection, that of Nicaragua, according to the account of Mr. Squier, has but two hundred and fifty thousand inhabitants, and ten thousand only of these are of the pure European blood, while the rest, the remaining two hundred and forty thousand, are of mixed races, colors, and castes.

I do not say this by way of disparagement. I do not mean to argue that our relations with these States are unimportant because they are small. They are incidentally of great magnitude. I do not undervalue these little Republics. They have had everything to contend with. They were educated in the worst possible political school, that is, the old Spanish colonial *régime*. They have struggled into independence under the greatest inconveniences and obstacles. They are in their infancy. They will grow, I have no doubt, and prosper. They have a beautiful position, lying between the two great oceans, with some of the finest ports upon either shore. Their climate, for a tropical climate, is for the most part salubrious and agreeable. They have a fertile soil which yields all the valuable products of the tropics, and they have mines of silver and gold; they have lakes and rivers which furnish facilities of communication; they have agriculture and some commerce; and they have made some progress in the arts of civilization. But they have yet a great deal to learn; and it will be for their permanent advantage, if in the result of their communication with other Powers more advanced than themselves, they shall derive some important lessons. Their internal feuds are deplorable, and their incessant border wars are a drawback upon all progress. While I am speaking, the State of Guatemala, with a population of eight hundred thousand, is marching an army of six thousand men against her sister State of Honduras with three hundred thousand; and Honduras, in her turn, is sending a military force to dislodge the English wood-cutters upon her disputed frontier. Sir, these feuds, these border wars, and contentions, can produce, they do produce, no other result than a series of bloody revolutions, which, besides leaving them in a state of almost semi-barbarism, has the effect of disheartening their friends in every other part of the world.

These States have formed, or at least have endeavored to form, their political institutions after the model of our own. While they might have learned from us that a Federal union which, leaving everything that belongs to local administration to the separate States, confers on the central government only those matters that are of general concernment; in short, a government like ours, if wisely and purely administered, may be the strongest government on the earth, as I believe ours in the long run will turn out to be; on the other hand, there is no form of government so weak, so hopeless, so contemptible as that of small separate States lying side by side without harmony, without concert, and employing all their energies in making war upon each other.

Though there was a great interest taken by the United States in the fortunes of the Spanish American colonies when they threw off the yoke of the mother country, and asserted their independence—an interest mainly inspired by the kindling eloquence of Henry Clay—there was perhaps no part of these vast territorial possessions that excited less interest than the five States into which the ancient kingdom of Guatemala resolved itself. They were small separately and small collectively. We had little or no commercial intercourse with them. They had no great places of resort to attract the curiosity of the traveler; in fact, we knew but little about them; they were almost lost upon the map of America. In 1822, the year after the revolution was effected, the State of San Salvador passed a formal act in her Legislature providing for her incorporation into the American Union; she sent two commissioners to Washington to carry that act into effect. I do not know that the least notice was taken of them. I suppose they were treated with personal civility, as a matter of course, but no communication was made to Congress upon the subject. I am not sure that any official response was made to it, even from the Executive. I am inclined to think there was none. At subsequent periods, and under various Administrations, attempts were made to enlist the active interference of the United States in favor of the Central American Republics, but never with the least success under any Administration. I do not say this reproachfully; it is no matter of reproach. Looking back for a period of nearly thirty years, upon the history of these countries, I cannot find the time nor the occasion when we could have enlisted actively in their affairs with any prospect of doing them the least good, or without departing from all the safe and settled principles of policy of our own country.

But at length the time came; at length an era opened, not only in our own history but theirs, and in the history of the whole world. You know that I refer to the acquisition of California, and the discovery of its gold. Then, sir, an intense necessity was immediately felt for the speediest and most economical and most convenient routes of communication between the Atlantic and the Pacific oceans—between the Atlantic States and our new acquisitions on the shores of the great sea. Then, sir, the tide of emigration—I cannot compare it to anything else but what I have witnessed a hundred times on the sea-shore—the tide of emigration, like the tides of the ocean, went pouring down the coast, swelling over every rock and every shoal, rushing into every inlet, turning back the currents of the rivers, and seeking by a kind of irresistible, moral necessity an outlet into the Pacific ocean. The project of a canal had often been started before, propositions had been made, charters applied for, surveys undertaken; but nothing practical had been done. But now it was plain that the time had come when something practical must be done. Attempts were commenced, and pretty soon we heard of small steamers that were navigating the inland streams and lakes of Central America, and companies of pilgrims of both sexes and of all ages from the United States,

were seen winding their way through those dark tropical forests, through the branches of which the rays of the sun had never penetrated since creation.

A charter for a canal was soon granted by Nicaragua to a company of American citizens, and if no political difficulties had existed, and if Central America had been occupied by a population like that which poured the waters of Lake Erie into the bed of the Hudson at Albany, I do not know that it would be extravagant to say, that at this very moment three-masted vessels of twenty feet draught would be navigating the waters of Lake Nicaragua, on their way to the Pacific.

But unfortunately political obstacles did exist—obstacles of all kinds. There were dissensions between the neighboring States of Nicaragua and Costa Rica. There was a difference between Nicaragua and the British Government, assuming to be the protector of the Mosquito Indians; and jealousies, it must be said, were entertained—unfounded jealousies, I think—but jealousies were sincerely entertained between the United States and Great Britain—that each of these great maritime Powers was desirous of obtaining some exclusive advantage to itself in reference to the opening of this route of interoceanic communication.

Now, sir, it was a great object, as I understand it, of the treaty negotiated on the part of this Government by my friend from Delaware, to remove these difficulties, particularly so far as the United States and Great Britain were concerned; and to establish the principle that neither of these great Powers wished for any separate and exclusive advantage. That treaty was negotiated precisely on the principles that had governed every movement and every step which had been taken from the first by the United States, in reference to artificial interoceanic communication. As I think, it was the right principle; that is, that neither party would seek any exclusive advantage; and that the two great Powers would unite, so far as depended upon them, in opening this great pathway to the commerce of the whole world.

It is a point which I think has not received sufficient attention, viz: that if the whole matter was to be peaceably disposed of, it was absolutely necessary that such an understanding should take place between the United States and Great Britain. The United States *could not* take a grant of exclusive privileges from Nicaragua, because Nicaragua was not in a condition to give such a grant. She claimed an unbroken sovereignty over the whole route. She was satisfied that her claim was good, and perhaps we were satisfied that it was good. I think myself that it was; but it was not uncontested. There was another great Power that denied the validity of the claim; there was a great Power that set up rival pretensions, and it was necessary that these should be disposed of; and that, as I said, was the great object, or one of the great objects effected by the treaty of the 19th of April, 1850. And I will say this,—I wish to do no more and no less than justice to Great Britain,—although she did set up this claim, and although we think it unfounded, yet in reference to the canal, she set it up only to waive it. She did not make any use of this pretension to obstruct the execution of the charter which Nicaragua had given. She said in effect, that Nicaragua had no right to give such a charter, because she did not own the territory for the whole distance. But she did not use her rival claim to obstruct that charter. On the contrary, it was one of the leading objects of the convention of the 19th of April, 1850, to give the assent of Great Britain to the execution of that charter which was granted to American citizens. She gave her own consent in the form of obtaining the assent of the Mosquito Indians, over whom she claimed a protectorate. It was only a form of giving her own consent. She not only gave her own consent, and that of the Mosquito Indians, but she undertook to use her influence, in conjunction with the United States, to obtain that of Costa Rica; so that whatever we may think of her rights as the protector of the Mosquito Indians, she availed herself of them, not to obstruct, but to aid the work.

Now, as to the protectorate which Great Britain claims it is her right and her duty to exercise over the Mosquito Indians, my friend from Delaware has characterized it very well. Using the famous motto of Junius, he has called this Mosquito kingdom *nominis umbra*, the shadow of a name. And it is certainly nothing more. There is in an important document which lies on your table, a letter from Mr. Rives to Mr. Clayton, then Secretary of State, giving a report of a conference which he had, by direction of the Department of State, with Lord Palmerston on his way to Paris, in 1849. Lord Palmerston said to Mr. Rives:

"From a very early period the Mosquito Indians had been treated by the British Government as a separate and an independent State—they had what was called a king, who, by-the-by, he added (says Mr. Rives) in a tone of pleasantry, was as much a king as you or I."

After this account which the British Minister for Foreign Affairs gives of the Mosquito kingdom and of the Mosquito king, I think it would be wasting the time of the Senate of the United States for me to bestow many words to prove the inanity of the king and kingdom. Nevertheless, it was really an ancient affair. There was something of history in it. It had a pedigree. It ran back two centuries, and Great Britain maintained, apparently in good faith, that in the course of these two centuries she has contracted certain obligations and duties towards these Mosquito Indians, now reduced to a mere handful, and they in the most wretched condition, which she does not feel herself at liberty to disregard.

This Mosquito kingdom in its origin and progress is really a little more important than it might otherwise be thought. It played a very important part in the history of the world. It was a prominent incident in the Spanish colonial system, which for a century and a half gave a character to the politics of the whole civilized world. America having been discovered by the great navigator who sailed under Spanish auspices, Spain possessed herself of the largest and the noblest part of the continent. From California to Cape Horn, with the exception of Brazil, everything fell into her hands. It was not merely the largest and fairest part, but it was the part which contained within itself those tropical treasures, and especially those treasures of silver and gold which have in all times overmastered the imaginations of men. Why, sir, I believe such was the state of things in the seventeenth century, that the whole exportable product of what is now known as the United States, did not exceed one half a million of dollars annually, and that, I need not tell you, was perhaps no more than half the amount contained in one of the treasure ships which were regularly dispatched from Vera Cruz to Cadiz. Spain locked up all this treasure beneath the bolts and bars of her colonial monopoly. She did no more with respect to her colonies than England with respect to hers. It was the ancient colonial system; but the productions of the Spanish colonies were so much more important than those of England, that the whole commercial world sought its revenge by endeavoring to force a contraband trade with the Spanish colonies. This trade was carried on by the wholesale and retail, by private individuals and by armed squadrons, by adventurers in whom the trader, the buccaneer, and the pirate were so much mixed up, that it was hard to say which character prevailed. After Jamaica was conquered, in the time of Cromwell, that island became the basis of these operations. Spain of course sought to defend herself, and she not only instituted a line of *guarda costas* all along her shores to drive off every vessel that was seen hovering in those waters, as if a pestilence lurked in her sails—for such was the detestable character of this ancient colonial system—but she also undertook to institute a right of search of any merchant vessel which should show itself within a considerable distance of the Spanish coast. Of course this led to infinite collisions. Wars were constantly breaking out; in these wars islands were seized, and establishments were formed upon the main. Roatan and the other Bay Islands were captured by Admiral Vernon in the first half of the last century. When the war ceased, these islands would be surrendered, and the establishments given up, or pretended to be given up. But the peace would prove to be hollow truce, the same system of forcing a contraband trade would recommence, the same right of search would be instituted, war would break out again, and then the same circle of operations be repeated.

It is but fair to say that in this long struggle of a century and a half, the whole commercial world took sides against Spain. We now are inclined to sympathize with her, we think but meanly of this Mosquito protectorate, and we regard the occupation of those islands and these establishments on the main by Great Britain as acts of injustice and violence. But it was not thought so then. The whole commercial world, exclusive of Spain and her allies, sympathized with England, and no part of the world more than the English colonies, now the United States. I have been amused in reading the old colonial journals to see the effusions of the loyal feeling constantly poured out from these colonies, when the public mind was greatly excited in England upon subjects of this kind. On that memorable occasion, which you recollect from the history of those times, when a certain Captain Jenkins was brought upon the floor of Parliament, and exhibited his mutilated ears, and a fragment which had been torn from one of them, and produced such an excitement, that England, against the opinion of the Prime Minister, was thrown into a war with Spain, in the whole compass of the British Empire, there was perhaps nowhere such fervent, loyal zeal exhibited as in these transatlantic colonies. In the war which took place, the fleets and armies of England were recruited in these American colonies. I can tell you, sir, that in the old graveyards of New England, you can still read the epitaphs of men who brought home the diseases of the tropics from Porto Bello and Carthagena. There are men now living, whose great-grandfathers laid down their bones upon the Spanish main. Sir, the name of the home of Washington upon the banks of the Potomac, here in your neighborhood, derived its origin from the enthusiasm felt by Washington's elder brother for one of the unfortunate heroes of those wars, who found upon these pestiferous coasts an enemy against which human courage and strength were of no avail:

"You, gallant VERNON, saw
The miserable scene; you pitying saw
To infant weakness shrunk the warrior's arm;
Saw the deep-racking pang, the ghastly form,
The lip pale quivering and the beamless eye,
No more in ardor bright; you heard the groans
Of agonizing ships from shore to shore;
Heard nightly plunged beneath the sullen wave
The frequent corse."

Sir, it was owing to nothing but the yearnings of a fond maternal heart that our beloved Washington himself, for whom a warrant as midshipman in the royal navy had been obtained, did not, a few years later, enlist himself in those disastrous wars, with an equal prospect of sacrificing his life in the support of the system of which this wretched Mosquito protectorate was a part.

This was the origin, this the character of this Mosquito claim, carried on in defiance of the power of Spain, as long as the power of Spain existed, and after the Spanish colonies threw off the yoke, carried on in defiance, or with the acquiescence of the coterminous States. Such I understand to have been its origin, such its history, reduced at the present day to very small dimensions, the state of affairs having wholly changed, and the English Government having no longer any interest or any motive in adhering to the protectorate. Such she assures us is the case.

Now, in reference to this canal, its southern terminus, the port of San Juan, fell within the limits of the territory which was claimed to be (claimed to be is all I say) under this protectorate. This claim was of course denied by Nicaragua. She had temporarily possessed herself of the port after a long dispute with the British; but in January, 1848, the Nicaraguans were promptly expelled by an English force, and the first thing that was done by the British authority—and I must say, in my opinion, in very bad taste—was to change the ancient euphonious name of San Juan del Norte or San Juan de Nicaragua (I do not care which) into the modern, and to my ear very insipid, appellation of Greytown. I hope the first thing that will be done by the independent authorities of San Juan, if they are independent, will be to change it back again. Let us have again that fine, old, and well-sounding Spanish name.

Now, as I said, the convention negotiated by my friend from Delaware, with the approbation of the President, on the 19th of April, 1850, re-

moved a considerable part of the obstacles which grew out of the claim to the protectorate; but there were other difficulties remaining. Costa Rica and Nicaragua were still at variance. Nicaragua refused, in any way, to recognize the independent existence of the Mosquito Indians. She refused to renounce her territorial rights to San Juan. In the mean time the preliminary surveys had been instituted, and it was found that the canal would not pass all the way on the left bank of the river. It was found that probably in some places it would go into the bed of the river and in other places it would go on the right bank of the river; and Costa Rica claimed that her rightful boundary came up to the right bank of the river. Then how could we get along with a charter that was given upon the principle of the exclusive sovereignty of Nicaragua? It was impossible that foreign capitalists, who do not enter into these matters with the critical skill of diplomatists, would risk their capital in a country like Central America, where domestic feuds and border wars are the order of the day, to build an enormously expensive canal which would cost perhaps $100,000,000, over disputed territory, where the soil was liable to be wrested from them at any moment by a contesting Power. It was necessary that something further should be done to adjust all these controverted questions.

Who should do it? The mediation of the United States and Great Britain had over and over again been invoked by both States. In the treaty of the 19th of April, 1850, to which I have so often to allude, there was an express stipulation, that if any differences existed between the States or the Government in reference to the canal, or any question of right of property connected with it, the high contracting parties would exert their good offices to reconcile those differences, so that while it was absolutely necessary that the work of adjustment should be attempted, it seemed impossible that anybody else than the two friendly Powers could undertake it. Accordingly they felt it their duty to undertake it, and in the month, I think it was, of July, 1851, a conference was held here, in Washington, between the Secretary of State and the British Minister on one side, and the envoys of Costa Rica and Nicaragua on the other; but without any favorable result. About that time Nicaragua had entered into a partial confederacy with Honduras and San Salvador, to strengthen herself against Costa Rica. She had merged her separate political sovereignty in this federation. She had no longer the power, if she had the desire, to treat separately upon this subject. An interval of eight or ten months accordingly followed.

At length it was thought by the two Governments that a further delay was out of the question; that it was already amounting to an indefinite postponement of all energetic proceedings towards the construction of the canal; and it was absolutely necessary that something decisive should be done. Accordingly, in the month of April, 1852, the Secretary of State and the British Minister, acting under the instructions of their Governments respectively, came together and held conferences on this subject; and, after mature deliberation, they agreed to the propositions commonly called the propositions of the 30th of April, 1852, which were to be offered to the two Governments. They were only advisory. They could be nothing else. They were recommendations of two friendly Powers, having no interest at variance with that of either party; regarding them both with the most friendly eye; and anxiously seeking the best method by which all these difficulties could be reconciled, and an effectual impulse given to the execution of the great work. They were only propositions. They were not a convention. They were the basis of a convention that was to be submitted to the two Governments of Nicaragua and Costa Rica. After having been arranged with great deliberation here, they were sent by separate commissioners to the capitals of Nicaragua and Costa Rica. They were accepted by Costa Rica; they were rejected by Nicaragua. Now, sir, let us for a moment consider what these propositions were.

I shall not take up the time of the Senate by going into a very great detail. It would be hard to be understood without a map of the country, and without more time than it would be convenient for the Senate to bestow on the subject; but the main objects were few and simple. The first was this: out of the very large tract of country lying east of Nicaragua covered by the claim of the Mosquito Indians, to retain a moderate reservation for the temporary use of the Mosquito Indians. They were all to be collected here; they were to be withdrawn from every other point which they may have occupied. In the center of the coast of this territory lay the ancient settlement of Bluefields, the foundation of which runs back into the seventeenth century, if I am not mistaken. They were all to be brought together on this reservation, and all the rest of this large territory east and south of it was to be ceded in full sovereignty to Nicaragua. This cession included the much-desired port of San Juan. The great bone of contention, if I may so call it, was to be given up to Nicaragua by these propositions; and in consideration of the large cession of territory, and of getting rid of the disagreeable controversy, it was proposed—proposed only, all this was a proposition—that Nicaragua, as a pecuniary indemnity to the Mosquito nation, should pay the net proceeds of an *ad valorem* duty of ten per cent. upon articles imported into San Juan, for three years. How much that would amount to I cannot undertake to say, but I do not suppose it would amount in the whole to more than fifty or sixty thousand dollars. That was the entire pecuniary consideration which was to be paid for the surrender of the sovereignty of San Juan, and for the cession of the rest of the country lying west and southwest of the reservation to which I have alluded.

This was not all. The reservation itself was not intended to be perpetual. On the contrary, it was expressly provided, in a separate article, that the terms of the settlement should not preclude Nicaragua from making any private agreement she might please with the Mosquito Indians for what we should call the extinguishment of their title. She was to be at liberty at any time to make a private arrangement with the Mosquito Indians for the final extinguishment of the title, and consequently the absorption of the reservation into the Nicaraguan State—the Indians to be incorporated with the citizens of that State, of course; which would be no hardship, because by far the largest part of the population of Nicaragua is composed of the native race and their descendants.

These were the propositions as far as concerns the Mosquito protectorate and San Juan, and all that part of the controversy. Nicaragua being so highly favored on that side, it was thought no more than reasonable that Costa Rica, the other party, should be somewhat favored on her side, not however by giving her all that was asked, because she claimed to go up the San Juan river through its whole extent from the lake to the ocean. That was not admitted in the propositions. She also claimed that she had an equal right with Nicaragua in the port of San Juan. That could not be admitted, because the exclusive sovereignty was proposed to be given to Nicaragua; but it was proposed that Costa Rica should go to the Colorado, a branch that strikes off from the San Juan to the right, and, giving the large delta between the Colorado and the San Juan to Nicaragua, that Costa Rica should follow up the right bank of the Colorado, then the right bank of the San Juan to the lake, and then that the southern shore of the lake should be the boundary, with the privilege of navigating the lake; and then the river La Flor to the Pacific. I admit that this was a favorable boundary to Costa Rica, though it did not, as I have said, give her all that she thought she was entitled to; and Nicaragua had been greatly favored on the other side. How, in a boundary contest between two Powers of about equal strength, can you ever come to a settlement on any other basis than that of compromise and mutual concession? The United States and England have done it over and over again. We claimed our boundary on the northeast as running up far beyond the river St. John—for we have our San Juan too—we claimed that we went far beyond that river on the northeastern boundary of Maine. England said that the boundary line began at Mars' Hill, far south of the St. John. The controversy lasted fifty years; and finally we were obliged to settle it by each party giving up something of its extreme pretension.

So it was on the coast of the Pacific. There we claimed up to 54° 40'. The British said, on the other hand, that the line ought to follow the Columbia river down to the Pacific. The two countries were brought almost to the point of collision on this question, but at last it was thought on all sides that the only practicable and honorable mode of settling the question was to adopt a middle term, and take the line of the forty-ninth degree of latitude—which was the boundary east of the Rocky Mountains—as the line of demarkation to the sea. If great Powers like England and the United States, the leading Powers of the commercial and maritime world, find it necessary to settle their border controversies by these mutual sacrifices, can Nicaragua, can Costa Rica expect to adjust theirs on any better principle? However, as I said, the terms of the settlement proposed were accepted by Costa Rica, but Nicaragua did not think it expedient for her to adopt them.

While these matters were passing, a very singular event occurred in San Juan, of which I believe I can best give an account to the Senate by reading an extract from a dispatch of our consular agent, Mr. Boone, who arrived at San Juan on the 3d of June last. He writes the following, under date of the 5th of June, 1852:

"I find the government of the place in the hands of a corporation, or organization, formed principally of American citizens. It consists of a mayor and a city council. They have a constitution which recognizes the trial by jury, and is altogether formed, as far as it goes, upon liberal principles They have a well organized police, judges and aldermen, all elected annually by the people. There is likewise a captain of the port and a health officer. All articles of commerce are admitted free of duty." * * *

"In March last, Mr. Green, the British consul and agent of the Mosquito king, president of the then council at Greytown, upon the request being made by some of the principal inhabitants, issued a proclamation or order for a convention of the people of the town to meet and frame a new constitution. The convention was held and the present constitution was adopted, under which all the before-mentioned officers have been elected."

Now, this Government is carried on under the name of the Mosquito king; and Mr. Boone represents that there is a decided preponderance of the British influence in the Government. The officers, by the way, I am informed, are all American; but I doubt not that Mr. Boone correctly states the fact that they are decidedly under British influence. I suppose this is pretty natural, considering the previous history of affairs there; because this small municipality naturally relies upon the name of the Mosquito protectorate as a security for the present against the invasion of the State of Nicaragua, until they shall be sufficiently strong to protect themselves.

With respect to the manner in which affairs are managed by this new municipal government I would speak with some reserve. I do not like at this distance to give a decided opinion founded upon *ex parte* information; but I must say that this new government, though founded on a principle with which, in the United States, we must have all our sympathies enlisted—that of popular election—would seem to be carrying on their affairs very badly. They have lately, by an act of violence for which no doubt some provocation was given, gone across the river and pulled down the buildings of the transit company; and I have also received information of some transactions towards certain French settlers established there, which, if they are truly represented, will involve the municipal authorities of this new corporation in a heavy responsibility to the French empire. As I said before, these may be unfounded reports, and it would be wrong to form a decided opinion upon *ex parte* information. I hope, as the new constitution is organized upon popular principle, that it will by a wise administration do credit to such an origin.

Such was the state of things in that quarter when I went into the Department of State, last November. It was out of my power for some time, for causes beyond my control, to give any impulse to the negotiations in reference to Central America. In the month of January, we received the information that a change of ministry had taken place in England, and that a new Government had been formed under the Earl of Aberdeen, as prime minister. In a fortnight or three weeks I received from the British minister here a communication which showed that one of the first objects to which the new ministry had directed its attention, with the view of bringing about some practical terms of

final adjustment, were these difficulties in Central America. I will confess to you, Mr. President, that this communication produced an agreeable impression on my mind. It reminded me of what took place eleven or twelve years ago, when I found myself in London, as the representative of this Government. You recollect that at that time we were still involved in the controversies about the northeastern boundary, the affair of the "Caroline," the arrest of McLeod, and the seizure and detention of American vessels on the coast of Africa. These subjects had been discussed, some of them for half a century; and with no other effect than to confirm each party in the conviction that it had all the right on its own side; and in fact to bring the two great Powers to the verge of a conflict. Such was the condition of affairs at that time. In this state of things, late one night in December, as I was meditating upon these matters, not in the best spirits, and feeling a pretty heavy sense of responsibility as to my own position, having been sent there to discuss all these questions without a word of instruction from the Government upon any one of them, I received a note from Lord Aberdeen, appointing an interview for the next day, the object of which turned out to be to inform me that the Queen's Government, lately formed under Sir Robert Peel, had come to the conclusion to make a new, and as it hoped a successful, attempt to settle all matters in controversy between the two countries; and that for this purpose, it had determined to send a special minister to the United States, and had selected Lord Ashburton for the mission, on the express ground that, though he would of course look after the interests of his own country, he was the individual, perhaps, in the whole British empire, in a position to undertake the duty, who would carry to the United States the kindest feelings and the most friendly domestic and personal associations. I confess that that communication, made in that amicable tone for the express object mentioned, did, as it were, lift a somewhat heavy load from my mind. I thought I saw, at no great distance, the prospect of an adjustment of all these embarrassing and dangerous questions; a prospect which was so happily realized in the course of the summer by the conclusion of the treaty of Washington of the 9th of August, 1842.

It may be comparing small things with great, but I must say that it was with a somewhat similar feeling of satisfaction that I found that one of the first acts of Lord Aberdeen's new Government was to make an overture to us for the settlement of this, not so formidable, but still by no means inconsiderable difficulty down in Central America. The purport of the communication was, that the Government of her Britannic Majesty was disposed to agree to almost anything reasonable. It was willing to recognize, it had recognized, the independent government that was set up at San Juan. With respect to the protectorate, it desired nothing more than to be wholly disembarrassed from it, so far as it could without an entire sacrifice of the duties of charity and paternal regard which it owed to the broken-down fragments of the Indian tribes which for two hundred years had been, to a certain extent, under its protection. It wished only to get out of it with honor and credit. That was the purport of the communication. It was willing to go there with the United States, and treat with the municipal authorities of San Juan, and was willing that they should continue to govern the territory, American citizens though they were. It was willing that they should continue in power under the cover of the Mosquito king, or they might assume the absolute sovereignty, and extend just such protection to the Indians as their condition and wants should require.

They invited us to go there with them, to join them in treating with the municipal authorities, and if the arrangement could be completed, then to join, not in guaranteeing the independence of this little new republic—for that it was thought would not be deemed by us an advisable step—but to act in concert with them in extending such friendly countenance to the poor remnants of the Indians as might be requisite to secure them from internal violence, and prevent them from perishing from the face of the earth.

I must confess that I thought this a very reasonable and satisfactory communication. I thought it held out the prospect that something practical would at length be done. I consequently made the suggestion to the President to which I have alluded, which was approved by him and sanctioned by Congress, that in order to do our part toward bringing about this arrangement, we should put our diplomatic relations with those States upon the most advantageous footing. I will say, however, that I thought, and still think, that instead of recognizing the independence of this new municipal organization, this free city of San Juan—(and it appears to me it would be like one of the Hanse towns of Germany)—considering the antecedents of the question and the history of the whole affair, it would be better to renew to Nicaragua the propositions that we made to her last April, and give up San Juan to her, and allow her to establish her sovereignty over the city. I feel, it is true, that there will be some inconvenience in that course, if this town is to grow. For, mind you, sir, it will be an American town. Mr. Boone writes that out of seventy vessels that arrived in the six months he was there, sixty, if I recollect, were American vessels; and if the canal is to be constructed, as this will be the eastern terminus of the great route of interoceanic communication, it will become in time a great American city, inhabited, for the most part, by citizens of the United States; and I do feel that there will be a considerable inconvenience with this prospect, in requiring the little independent municipality, which has now asserted its inherent right to establish its own government there, to go back under the sovereignty of Nicaragua. Still, under the circumstances of the case, I should be in favor, if it rested with me, of giving Nicaragua that option, and trusting, I have no doubt safely trusting, to her good sense not to press the inhabitants of that city. I believe she would give them an independent government, and allow them to carry on their affairs in their own way, by means of municipal authorities of their own election.

Now, sir, how far this project will succeed depends very much in the first instance upon the individual sent on the mission. I look upon it as a very important mission. Small as those States are, I really think that at this time, it is more important who is sent by the United States to Central America, than who is sent to London, to Paris, or St. Petersburg; and I must say, without intending to use any language of compliment, that I place entire confidence in the President of the United States, that out of the able and distinguished men of his own party, he will select the right man. I have no doubt he will do it, and I have pleasure in saying so. The only diplomatic appointments which have yet been made by him, that to Switzerland and that to Peru, are sufficient pledges to my mind that he will have regard to merit and to qualifications. Those appointments, in my opinion, do him the highest honor, as they do the highest honor to his political friends upon this floor, who confirmed them without hesitation and without a division. I have no doubt that he will be governed by the same good sense in the appointment to be made for this mission; and if the right man can be found, and if he can be induced to go down there to take this work in hand and bring these protracted controversies to a desirable conclusion, he will cover himself with honor. I do not see any point in the range of our foreign relations where so much good is now to be done. And, sir, allow me to say one other word on this point. It seems to me that this is the last chance we have for settling affairs on a desirable and honorable footing. If this fails, I do not myself see any hope of taking up the subject in any other form with a better prospect of success. If we cannot now settle all these matters and remove all the difficulties that obstruct the execution of the canal, as far as depends upon political considerations, I do not see but that Nicaragua and Costa Rica must be left to struggle on together with each other, with the certainty, the moral and political certainty that the construction of the canal through their country is indefinitely postponed. Whether that would be for the interest of Nicaragua it is for her to judge.

I have taken up more of the time of the Senate than I had intended, and have now said all that I have to say on the main subject. Before I take my seat, however, I will add a few words in reference to topics on which I may be expected to say something; I mean the Belize, the Bay Islands, and the recent operations in Honduras, and the opinion entertained by distinguished Senators, that those settlements and operations furnish just ground for accusing England of a breach of the stipulations of the treaty of the 19th of April, 1850. In reference to this, I will candidly say that I do not think England has either violated or intended to violate the faith of that treaty. Why should she? What had she to gain by entering into a treaty stipulation, with no other intention than to break it? She was not obliged to make the treaty. She had no motive in making it, except the motive of faithfully executing its provisions. She owed us nothing in reference to Central America or the canal. We had no claim upon her which required her to enter into the compact with us. What possible inducement of interest or ambition, or any other corrupt motive that could influence a State, can it be supposed England could have had to enter into the treaty for the sole purpose of breaking it? Why, sir, there was difficulty enough before. The pretension to the Mosquito protectorate was itself troublesome enough. Why should England voluntarily and gratuitously add to that difficulty a new difficulty that would immediately present itself, by breaking her solemnly-plighted faith with the United States? I cannot think that she would be so senseless as to do it.

Then in reference to the affairs of Central America proper, by which I mean what is commonly so considered, leaving out of the account Belize and Honduras, I cannot see but what England has done all she contracted to do. There may have been some difference in the interpretation which the two parties placed upon the stipulation, but she has been continually receding. She has given up this, and she has given up that. She is desirous not only to disembarrass herself of the protectorate, but she has resigned the sovereignty of San Juan, and has proposed the cession of the whole Mosquito country east of Nicaragua. If a suspicion of bad faith, which I do not admit, could rest upon either party; if there were a disposition to cavil upon the occasion, it might be said rather that the United States, in view of the recent transactions at San Juan, had broken their faith, for there we see an independent government establishing itself by a popular movement, and creating a municipality composed of American citizens. We all know that the Government of the United States has had nothing to do in bringing it about. The utmost that we have done—and I do not know that we have done that—is to furnish some degree of countenance and recognition towards the new municipal government. But yet the fact is that there is an independent government at San Juan under the name of the Mosquito king, it is true, but composed of American citizens elected by the people. I mention this only to show, that if one were disposed to take exception, there would be reasonable ground for taking it against the United States.

With respect to the settlements at Belize, after all that has been said in the course of the winter on this subject, especially after the speeches of the Senator from Maryland [Mr. PEARCE] and the Senator from New York, [Mr. SEWARD;] after the view taken of the subject by the Committee on Foreign Relations in their able report, and the explanations that have taken place in the course of the recent discussion, I do not think it would be worth while for me to take up the time of the Senate by dwelling upon the question. I believe it is now admitted upon all sides of the Senate Chamber, let the decision of the geographical question be what it may, let the Belize be in Central America or in Mexico, let the origin and foundation of these settlements be what they will,—that they were not in the contemplation of the parties to the treaty at the time it was negotiated, or of the Senate at the time it was approved.

Attention was not at all turned to these settlements. The parties had something else in view. They were thinking of the canal and the means of carrying forward that great work of interoceanic communication.

The same remark may be made in reference to the Bay Islands. They have been for a century and more a part of the dependencies of Belize,

and it was not the understanding of the contracting parties that they should be affected one way or the other by the stipulations of the treaty of 19th of April, 1850.

I understand the facts in reference to the recent establishment of the colony to be these: These islands were among those which were seized, given up, and seized again, while the state of things lasted which I described in a former part of my remarks, and finally the English of late years have considered that the title "*de facto* and *de jure*," (I quote the words of a dispatch of Lord Palmerston,) was in them. As to the validity of the claim, I have not a word to say. I am only stating the pretensions of England; and I suppose it is admitted that at the time the treaty was negotiated, those dependencies were not, any more than Belize itself, understood by the negotiators to be included in the stipulations of the treaty. Two or three years ago, as I understand, the inhabitants of the islands, not being very numerous, sent a messenger to the superintendent of the Belize, and informed him that they were without any regular government, and that they wished one to be established. He told them, very reasonably, that her Britannic Majesty could not afford to govern them for nothing; and that they must see how much they could raise by voluntary taxation to defray the expenses of the Government. They held a meeting and agreed that they would tax themselves £200 a year. They sent word of the result to the superintendent of the Belize, who told them that for that he thought he could get them a regular government. In consequence of that, the order of last July was issued establishing the colony of the Bay Islands. Such is the account I have received of the origin of this colonial organization, not however, I ought to add, from any official source.

If these facts are as I have stated, I think it may be said that there is no violation of the stipulation of the treaty in organising that colony. At the same time, I must candidly say, that I think it is an ill-advised step. I have no doubt it has been hastily taken on the suggestion of the colonial authorities, and that it has been passed inadvertently through the Foreign Office at London, without a sufficient consideration of the circumstances of the case. I think that the organization, the avowed organization into a colony of islands belonging geographically—whatever may be the case politically—to Central America, and within sight of the Honduras coast, is, considering the just susceptibility of the American mind on this subject, which is not greater than would exist in England on a similar subject and in a parallel state of affairs, a very ill-advised and indiscreet step. I have no doubt the consent of the Home Government has been surprised into it, by the officious zeal of the colonial authorities, and I entertain a strong expectation that when, through the dispassionate representation of this Government it shall be brought to the consideration of the British minister, it will be retraced. I hope it will. I think it will be as it was in the case of the Sandwich Islands in 1843. You know that at that time the United States first agreed to recognize the independence of those islands. A communication was made by me to that effect to the British Minister for Foreign Affairs in London. He agreed that his Government would recognize their independence, and use its best influence to induce France to do the same. The next news that came was that Lord George Paulet, who commanded the British squadron in the Pacific, had seized the islands, had struck the Hawaiian flag, and hoisted the flag of England. The first thing done by the British Government was to disavow the rash and unauthorized act. It was the same thing with the seizure of Tigre Island by Mr. Chatfield, in 1848; and although the case is different, these islands having for a long time been in the unqualified, though contested, possession of Great Britian, I do think, under all the circumstances of the case, that on a calm and dispassionate representation from this Government, this hasty step will be retraced.

With respect to the transactions at Truxillo, we have nothing but newspaper information on the subject, and even that informs us that there has been no bombardment, no cannonading of the place, as at first reported; but Sir George Seymour, the commander of the British squadron in the West Indies, an officer of great moderation, who is distinguished for his friendly feelings towards the United States, and at whose instance the British Admiralty have very lately put in the possession of Commodore Perry, commander of the squadron sent out by this Government to Japan, a large number of charts and hydrographic works—everything, in short, to facilitate the expedition—has sent a war steamer to Truxillo to tell the authorities there that they must recall an armed party which they had sent over the frontier to break up the settlements of the English wood-cutters on the river Limas. I do not think anything serious will grow out of these transactions; and I can only say, that if there were a disputed boundary between us and Mexico, and Mexico were to send an armed force to break up a settlement of Americans, and destroy their establishments, I think we should tell them in the plainest terms the English language contains, that the United States did not understand that way of settling boundary controversies.

The Senate will infer, from what I have now said, that I do not apprehend any disturbance of the peaceful relations between this country and Great Britain, in consequence of the state of things in Central America. In the last speech which I had the honor to make in the House of Representatives, now eighteen years ago, I expressed the opinion that there was no danger of a war between the United States and France, with whom our friendly relations were seriously menaced in consequence of the delay of the French Chambers to make an appropriation to carry into effect Mr. Rives's treaty of indemnity. I am not sorry, in raising my voice for the first time as a member of the Senate, that it is for the purpose of expressing similar sentiments in reference to Great Britain.

It is not because either in this case or in that I am indifferent to the interests or the honor of my country. Far otherwise, sir; it is because I do not think they are in danger. I agree with the distinguished Senator from Illinois [Mr. DOUGLAS] that England does not love us. In the relations of countries which are governed by Constitutions, by Parliaments, and by Congresses, there is no room for love or for hate, or for any sentimental influence; enlightened regard to the public interest is the only rule of action. It is only under absolute governments—under a monarch who, like Louis XIV., can say "I am the State"—that there is room for love and for hate. Between us and England, and the rest of the constitutional Powers of Europe, there is room only for the influence of the dictates of an enlightened regard to the public weal. But this I will say, that I am persuaded at this time that with all parties in England a mutually beneficial, peaceful intercourse with the United States is considered a cardinal principle of the policy of the Government; and I think that on our side toward England, and toward Europe, we ought to consider a mutually beneficial, peaceful intercourse as a cardinal principle of our policy.

I cordially sympathize with the distinguished Senator from Illinois, in the glowing views that he entertains of the future growth and glory of our country. I wish I could persuade him that this glorious future of America is not inconsistent with an equally auspicious future for the friendly Powers of Europe. I wish I could persuade him that that part of the world is not exclusively the region of tombs and monuments that he so graphically described, but that in every country in Europe, more in some than in others, but visibly in all, there is progress; that liberal ideas are at work; that popular institutions and influences are steadily forming themselves; that the melioration of the laboring classes is going on; that education and social comforts are making their way there. It is true, I beg the gentleman to believe me, it is true; and nothing will promote this favorable state of things more than the kindly sympathy and a salutary example on the part of this country. And I will also say that there is no country in Europe that I have ever visited, whatever temporary causes of irritation may have existed with this government or that government—there is not a country of Europe where the name and character of an American citizen is not a direct passport to every good office that a stranger can desire, and nowhere more than in England.

Sir, in our views of the glorious future that awaits the Union, we are apt to regard geographical extension as the measure and the index of our country's progress. I do not deny the general correctness of that impression. It is necessary for the formation of the highest type of national character that it should be formed and exhibited upon a grand and extensive scale. It cannot be developed within the bounds of a petty State. Nor do I admit that this idea of geographical extension necessarily carries with it—though it does perhaps by natural association—that of collision with other Powers. But, sir, I think there is no fear, so far as geographical extension is necessary, that we shall in the natural progress of things, have as much of it, and as rapidly as the best interests of the country admit or require. In the mean time, if we wish a real, solid, substantial growth—a growth which will not bring us in collision with foreign Powers—we shall have it in twenty-five years to our heart's content; not by the geographical accession of dead acres; not by the purchase of Cuba, or by the partition of Mexico, but by the simple peaceful increase of our population.

Sir, have you well considered that that mysterious law which was promulgated on the sixth day of the Creation—"Be fruitful and multiply and replenish the earth"—will, in twenty-five years of peace and union—for it is all wrapped up in that—aided by the foreign immigration, give us another America of living men as large as that which we now possess? Yes, sir, as far as living men are concerned, besides replacing the millions which will have passed off the stage, it will give us all that the arm of Omnipotence could give us, if it should call up from the depths of the Pacific, and join to the Union another America as populous as ours. If by any stroke of power or policy you could to-morrow extend your jurisdiction from Hudson's Bay to Cape Horn, and take in every State and every Government, and all their population, it would not give to you a greater amount of population, including your own, than you will have at the end of twenty-five years by the simple law of increase, aided by immigration from abroad.

I shall not live to see it. My children probably will. The Senator from Illinois, in all human probability, will live to see it, and there is, perhaps, no one more likely than he to impress his views of public policy upon the mind of those growing millions, and to receive from them in return all the honors and trusts which a grateful people can bestow upon those they respect and love. Let me adjure him, then, to follow the generous impulses of his nature, and after giving, like a true patriot, his first affections to his own country, to be willing to comprehend all the other friendly countries of the earth within the scope of a liberal consideration, and above all to cultivate the spirit and arts of peace—of peace.

Sir, it is the opposite spirit of military aggrandizement, the spirit of conquest, that has forged those chains in Europe which the Senator so eloquently deplores. It was this that brought down Asia to the dust in the morning of the world, and has kept her seated in sackcloth and ashes ever since. This blasted Greece; this destroyed Rome. It was not a foreign enemy that laid the ax to the root of Rome's freedom; it was her own proconsuls coming home from the successful wars of Asia, gorged with the gold of conquered provinces. The spirit of military aggrandizement and conquest have done the same for Europe. Will they not do it here if we indulge them? Do not let the Senator think that I suspect he wishes to indulge them; but will they not do it? Will they not give us vast standing armies, overshadowing navies, colossal military establishments, frightful expenditures, contracts, jobs, corruption which it sickens the heart to contemplate? And how can our simple republican institutions, our elective magistracies, our annual or biennial choice of those who are to rule over us, unsupported by hereditary claims or pretorian guards, be carried on under such influences?

Do not mistake me, however, sir. I counsel no pusillanimous doctrine of non-resistance. Heaven forbid! Providence has placed us between the two great world oceans, and we shall always be a maritime Power of the first order. Our commerce already visits every sea, and wherever it floats it

must be protected. Our immense inland frontier will always require a considerable army; and it should be kept in the highest state of discipline. The schools at Annapolis and West Point ought to be the foster children of our Republic. Our arsenals and our armories ought to be kept filled with every weapon and munition of war, and every vulnerable point on the coast ought to be fortified. But while we act on the maxim "in peace prepare for war," let us also remember that the best preparation for war is peace. This swells your numbers; this augments your means; this knits the sinews of your strength; this covers you all over with a panoply of might; and then, if war must come, in a just cause, no Power on earth—no, sir, not all combined—can send forth an adversary from whose encounter you need shrink.

But give us these twenty-five years of peace. I do believe that the coming quarter of a century is to be the most important in our whole history, and I do beseech you let us have the twenty-five years, at least, of peace. Let our fertile wastes be filled up with swarming millions; let the tide of immigration continue to flow in from Europe; let the steamer, let the canal, let the railway, especially the great Pacific railway, subdue these mighty distances, and bring this vast extension into a span; let us pay back the ingots of California gold with bars of Atlantic iron; let agriculture clothe our vast wastes with waving plenty; let the industrial and mechanic arts erect their peaceful fortresses at the waterfalls of our rivers; and then in the train of this growing population, let the printing office, the lecture-room, the school-room, and the village church, be scattered over the country; and, sir, in these twenty-five years, we shall exhibit a spectacle of national prosperity, such as the world has never seen on so large a scale, and yet within the reach of a sober, practical contemplation.

Mr. DOUGLAS. I do not intend to prolong this discussion, but I think it due to myself to make a word of comment upon one remark which fell from the eminent Senator from Massachusetts. I understand him to agree with the Senator from Delaware, that his letter in relation to Cuba, in which he laid down the policy of making no pledge in regard to its future condition, was not applicable to Central America; and that therefore those two Senators agree to stand on a common platform upon that point. Sir, I am not willing, by the concurrence of those two Senators, to be put in the position of having made a misapplication of that letter. The main point to which I referred in the letter of the Senator from Massachusetts to the Compte de Sartiges, was this: in it the Senator said that it was not within the competent authority of this Government, under the Constitution, to give any pledge that in all coming time we would never annex any territory, which in the course of events might become desirable, to this Union. If it was not competent, under the Constitution, to give that pledge in reference to the Island of Cuba, where does he find the constitutional authority to give it in the Clayton-Bulwer treaty with reference to Costa Rica and Nicaragua, and other Central American States? If there be an absence of constitutional power in the one case, it ought to be binding upon the consciences of men in all other cases. Therefore, until they explain away that constitutional barrier, I cannot permit those two Senators to put themselves in concert and accuse me of having made a misapplication of the letter. That is all I desire to say upon that point.

So far as the Senator's remarks relate to the preservation of peace, I fully and cordially agree with him. If there is any one line of policy more dear to my heart than all others, it is that which shall avoid any just cause of war, and preserve peace in all time to come. If there be a difference of opinion between us, it is upon the point as to which line of policy will best accomplish that object. I believe that the true policy is to make no pledges at present which are to bind our successors in all time to come with reference to a state of facts which now does not exist, but then may require action. I have not said that I wish to annex any portion of Central America to this country. I only protest against the pledge that our successors may not do that which their interest, duty, and honor, may require when the time for action comes. With these remarks, I am willing to close the discussion.

Mr. MASON. There will be no question, I take it for granted, that the President will have it in his power during the vacation of Congress to obtain a vast amount of necessary information to guide the future policy of this country towards Central America. There can be as little doubt that when the information is obtained it will be laid before the Congress of the United States. I have said, therefore, to the honorable Senator from Delaware, who offered the resolution, that we shall have the information for which he calls without a call of the Senate; but if that call must be made, it will be necessary, in my judgment, very much to enlarge it, because it applies only to information as to the dominion in the islands. In order, however, to dispose of the subject, which I do with the approbation of the Senator from Delaware, I move that the resolution lie upon the table.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

TUESDAY, *March* 22, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

EXECUTIVE COMMUNICATIONS.

A message was received from the President of the United States in answer to a resolution of the 17th instant, requesting copies of certain propositions to Nicaragua and Costa Rica, relative to the settlement of the territorial controversies between the States and Governments bordering on the river San Juan, transmitting a report from the Secretary of State, and the documents by which it was accompanied; which was referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting additional papers in relation to the allegation of fraud contained in certain public prints with regard to the disbursements by Alexander Ramsey of money appropriated to carry out the stipulations of treaties concluded with the Sioux Indians; which, on the motion of Mr. SEBASTIAN, was referred to the Committee on Indian Affairs.

Also, a communication from the Secretary of the Interior, transmitting additional papers in relation to the Mexican Boundary Commission; which, on the motion of Mr. WELLER, was referred to the Select Committee on the subject, and ordered to be printed.

CLERK TO A COMMITTEE.

Mr. JAMES, from the Committee on Patents and the Patent Office, submitted the following resolution:

Resolved, That the clerk to the Committee on Patents and the Patent Office, be continued during the recess of the Senate, at the usual rate of compensation, to be employed in preparing for the use of said committee an alphabetical index and digest of the reports heretofore made by the several Committees on Patents and the Patent Office.

MEXICAN BOUNDARY COMMISSION.

Mr. WELLER submitted the following resolution:

Resolved, That the Select Committee on the Mexican Boundary be allowed until the next session of Congress to report upon the various subjects referred to them.

Mr. HUNTER. I have no objection to the committee making a report, but I object to any committee sitting during the recess. I think it would be establishing a bad precedent.

Mr. WELLER. It is not proposed by the resolution that the committee shall sit during the recess. The testimony before it has been closed. It occupies more than five hundred pages, and it is utterly impossible for the committee during this session to examine it so as to be able to make a report. The object of the resolution is to allow the committee to make their report, not to continue their sitting during the recess.

Mr. HUNTER. If the Senator will add a proviso that the committee shall not sit during the recess, I will have no objection to the resolution.

Mr. WELLER. As chairman of the committee, I propose going home very early next month, and I am sure there will be no sessions of the committee in the recess. The resolution simply proposes to allow the committee to report, and I do not think under that authority, they could, if they desired, sit during the recess. However, if my friend from Virginia thinks it necessary, I have no objection to adding the proviso.

Mr. HUNTER. I think they might sit under the authority conferred by the resolution; and I should therefore like to have the proviso added. I know there will be other applications to continue committees, and I shall oppose them all.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The Senator from California accepts the modification suggested by the Senator from Virginia.

The resolution as modified was agreed to.

PAPERS WITHDRAWN.

On motion by Mr. SUMNER, it was

Ordered, That leave be granted to withdraw the papers relating to the claim of the Boston Steamboat Relief Company, B. B. Forbes.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened.

THE SELECT COMMITTEE ON FRAUDS, ETC.

Mr. BORLAND. I have a report, Mr. President, which I am directed to make from the Select Committee on Frauds, Abuses, &c. Before doing so, however, it will be proper to recur briefly to the circumstances under which the committee have acted.

This committee was originally appointed last summer, but was unable, for want of time, to complete its duties during that session, which adjourned the last of August. During the recent session it was reappointed, and continued its investigations until the close. Finding its duties still unfinished, owing to the mass of testimony they had taken, and which had to be arranged and embodied in a report, permission was asked and obtained to continue their sittings during this special session, in order to prepare and present their report.

The committee consisted of five members—three Democrats and two Whigs. Of these, the Senatorial terms of the two Whig members (Mr. UNDERWOOD of Kentucky, and Mr. BROOKE of Mississippi) terminated with the Congress on the 4th of this month. It became necessary, therefore, to make up the regular number of the committee to supply these vacancies; and two other Whig members (Mr. MORTON of Florida, and Mr. THOMPSON of Kentucky) were appointed. These gentlemen met the other members of the committee a few days ago—the whole committee consisting of Mr. HOUSTON, chairman, Mr. BORLAND, Mr. WALKER, Mr. MORTON, and Mr. THOMPSON—when the cases which had been examined were submitted, and the substance of the report upon them, as drawn up, was read.

I have deemed this statement proper, and it was understood by the committee that I should make it, in justice especially to the two new members of the committee, who have not, of course, had time or opportunity to examine the testimony in the several cases, and cannot be responsible for the report. They heard the report read, and acquiesced in it only so far as to assent to its being made to the Senate, reserving their right to judge of it when it shall have been printed, and they have had an opportunity to examine the testimony upon which it is based.

It is deemed important by the committee that this report should be printed at the earliest practicable day; important to the public interest. In connection with one part of it, it will be remembered that during the recent session, when the deficiency bill was under consideration, I offered two amendments in relation to the proposed appropriation of $400,000 as a deficiency of former appropriations for the Capitol extension. My amendments suspended the disbursement of the

proposed appropriation until the 1st day of April, and restored it to the former and usual course of auditing and controlling all expenditures of the public money at the Treasury. Objection was then made to my amendments, upon the ground that they reflected injuriously, and it might be unjustly, upon the characters of the persons who had been intrusted with the duties of managing the work and disbursing the money. I stated at the time that such was not my purpose, but that as charges of gross improprieties against the Architect and others intrusted with these duties had been made, and as the committee were then engaged in an investigation which threatened in its result to sustain those charges, I deemed it due to the public interest that no more money should be given into the same hands for disbursement until the material facts could be ascertained, and duly presented in the form of a report; and further, that as a few weeks more would enable the committee to report the facts, and as no harm could result from the proposed short delay, it was but right that the Executive should have the means at hand to act understandingly, as well as to the mode to be adopted as to the agents to be employed in the prosecution of the work.

My amendments were adopted; and not only is the disbursement of the money restored to the former and usual mode, whereby the safeguards of checks and official responsibility are thrown around it, but it is suspended, and the work along with it, until the 1st of April. That day is near at hand, when the Executive will have to cause the work to begin again, and to determine who shall be intrusted with its management. In the opinion of the committee, their report contains matters important to be known to the Executive to act understandingly in this connection. To serve the public interest generally, and with this view directly, the committee have exerted themselves to make their report at an earlier day. Circumstances of difficulty have delayed them until now. It is now here, and will, I presume, be printed, as is usual with reports. But it is voluminous, and will require some time to be printed in the usual way, in pamphlet form. The purpose, then, with which I have made these remarks, is to connect them with the report; or, rather, to let the report come in as part of my remarks, and by this means authorize and enable our reporters to print it in the official newspapers as part of our debates. In this way, I could get it much earlier in print, and in a form available for the more immediate practical service to the public I believe it capable of rendering. As embodying, therefore, what I would say to the Senate, I propose to read the report.

Mr. BADGER. I object.

Mr. BORLAND. It is not my wish to weary the Senate by reading a document so voluminous as this. I know they would be unwilling to listen to it now. But, for the purpose I have indicated, I would like to begin the reading of it now; and, as is not unusual with Senators when they desire to incorporate certain papers in their speeches, let it be considered as read, and, as part of my remarks, be reported and printed accordingly. If it be the pleasure of the Senate, I will pursue that course.

Mr. BADGER. The difficulty is, it will cost $15 a column to print it.

Mr. BORLAND. In my opinion it is worth a great deal more than that. Not that anything which I could write and offer to the Senate would be worth so much, but as the result of several months' patient investigation, by a committee of this body, of matters important to the public interest and morals, and as the development of facts of an extraordinary character, which should be early known, it is, in my opinion, of far more value than any such amount as we pay for printing the reports of our proceedings. I wish, then, to know if it be the pleasure of the Senate that this "Report of the Select Committee on Frauds, Abuses, &c., appointed under the resolution of the Senate, of August 6, 1852," shall be considered and printed as a part of my remarks?

Mr. MASON. If the Senator will allow me, I think it is a very unusual course to have a report printed as a part of the reported debates of the Senate, and I submit, with very great respect to the Senator, whether, inasmuch as it is unusual, it would be well to adopt it in this instance? I take it for granted that the report, although large, can, at his request of the Superintendent of the Printing, receive unusual attention and care, and be printed in the usual form before the expiration of the session. I presume the Senator has the right, if he thinks proper, to have it printed in the debates of the Senate; but it is an unusual course to pursue, and therefore I take the liberty of making this suggestion to him.

Mr. ADAMS. I would suggest that the usual course is for the committee to make its report. It is then read by the Secretary. Whether it is considered as having been read by the Senator who makes it, or by the Secretary at the desk, it will still be published, not as a part of the debates, it is true, but among the reports.

Mr. BORLAND. Unless a report on any matter goes in as a part of the remarks of the Senator, it is excluded from publication in the debates; and I desire that this report shall be so published. In answer to the Senator from Virginia, I would merely say that I know the course which I propose is unusual, and for that reason I have made the request. The case is an unusual and extraordinary one.

Mr. HAMLIN. I think the object which the Senator has in view may be accomplished in this way without compromising at all the practice of the Senate. He has stated certain facts. I think he can incorporate them as a part of his remarks, for which the Senate will be in nowise responsible. If he chooses to use them in that way, and make them a part of his speech, as if he was making an extract from a book, he may accomplish his object without compromitting the practice of the Senate.

The PRESIDING OFFICER, (Mr. CHASE in the chair.) The Chair will suggest that, strictly, there is nothing before the Senate. The Senator from Arkansas rises to make a report from a Select Committee, but no question is at present before the Senate.

Mr. BORLAND. I have not made the report yet. It is not unusual, and I believe is always permitted, for a Senator when making a report to accompany it by some explanatory remarks.

Mr. BADGER. I desire to make a suggestion to the Senator. I was in the Senate at the time we commenced our present system of printing the debates. When it was commenced, it was the custom, when papers were read and reports made, to insert them in the debates. That was immediately decided against, upon the ground that it was not the intention of the Senate to pay for printing as a part of the daily debates of the Senate, those matters which we printed as a part of our documents. Since that time the practice has been entirely discontinued. But I would suggest, independently of this variation from the course of proceeding which has been usual, and which I think should not be departed from unless in cases of extreme necessity, whether the plan proposed by the Senator would not appear in some respects to do an injustice. Suppose the report is printed in the debates: the Senator says there is a large mass of testimony accompanying it. I presume he does not intend to print that in the debates. If he does not, what is the consequence? The conclusions of the committee go out to influence the action of the Executive, without at the same time furnishing the Executive with the evidence upon which they are founded, and enabling him to draw his own conclusions; and that, too, in regard to a report which cannot be considered as unanimous. It seems to me, under these circumstances, the usual course of the Senate ought not to be departed from; and I concur in the suggestion of the Senator from Virginia, that if the Senator from Arkansas will signify to the Superintendent of Printing that it is desirable that the report should be printed immediately, he will take it out of its course, and have it printed without waiting for the ordinary delay.

Mr. BORLAND. For the very reason which the Senator from North Carolina has suggested, I desire to present the whole question to the Senate. I might have gone on and read a portion of the report as a part of my remarks, and it would have been printed, but I should have considered that as taking an advantage of the Senate, and keeping back something which it had a right to know; and for that reason I stated the whole case precisely, as to my object and what would be the effect of it. Now, if it should be the sense of the Senate that it should be done, I would be gratified; but if it is not the sense of the Senate, and they desire otherwise, I am perfectly willing that the document should take the ordinary course, and be printed as the report of the committee. I therefore submit the report, and move that it be printed for the use of the Senate.

Mr. THOMPSON, of Kentucky. I will merely remark that the course taken meets my approbation. The Senator from Florida [Mr. MORTON] and myself have only been members of the committee during this called session; and of course so far as the testimony is concerned we had no opportunity of entering into an examination of the witnesses. We, however, have heard a synopsis of the testimony read, and have seen the report, and agree that it should be reported to the Senate, neither concurring in the views taken in the report, nor agreeing to the accuracy of the synopsis. We are willing to let it go out for what it is worth, and come before the Senate in its printed form for any legislative action which the Senate may choose to take upon it. The Senator from Arkansas was perfectly right in saying that we consented to the understanding that the report should go before the country in that way for such future action as the Senate and Congress might desire to take upon it.

Mr. BORLAND. There is no proposition made by the committee. The committee do not recommend any particular legislation upon the subject. The report is only a development of facts, and the opinion of the committee expressed upon those facts, without recommending anything, leaving it of course to the discretion of the Senate to take any action which it thinks proper.

Mr. THOMPSON. Perhaps there is some alteration of the rules of the Senate suggested.

Mr. BORLAND. There is one suggestion as to what it would be well to do, but it is only in the form of a suggestion. There is no resolution offered—no bill reported. It is simply an informal suggestion.

Mr. BADGER. There is nothing for us to concur in.

Mr. BORLAND. No, sir.

The PRESIDING OFFICER. Does the motion to print include the documents?

Mr. BORLAND. They are a part of the report, in the form of an appendix, and of course are included.

The motion to print was agreed to.

MESSAGE FROM THE PRESIDENT.

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a report of the Secretary of State in answer to a resolution of the Senate of the 18th of January last, calling for further correspondence touching the revolution in France of December, 1851; which was ordered to be printed.

SUPERINTENDENT OF PRINTING.

On motion by Mr. HAMLIN, the Senate proceeded to consider the following resolution, which was submitted yesterday:

"*Resolved*, That the same extra compensation be allowed to the Superintendent of Printing and the clerks and messenger under him, as is paid by the resolution of the Senate to other clerks and messengers of a similar grade."

Mr. HAMLIN. I desire to say that by the ordinary legislation of the Senate, we pay to the Librarian and laborers around the Capitol, to our engrossing clerk, and to the clerks of committees, a certain additional compensation. By an omission—for it must have been by an omission, as I can see no other reason for it—the clerks of the Superintendent of the Public Printing of this and of the other House of Congress are overlooked, and they are made a marked case, and set aside as distinct from all the others. Now, I undertake to say that however industrious the clerks may be in this or the other end of the Capitol, there are none who, in the year, will perform more service, or so much service as these. They remain here during the year, and are employed most of the time. Many of the clerks are employed only during the session, and they have got their additional compensation, and all except these have received it. I hope the resolution may pass.

Mr. DODGE, of Iowa. I want to inquire of the Senator from Maine whether these gentlemen have received a *pro rata* compensation from the House of Representatives.

Mr. HAMLIN. They have received nothing.

Mr. DODGE, of Iowa. I make the inquiry, because sometimes in these cases duplicate compensation is given, the House of Representatives and the Senate both giving additional compensation. The reason why these persons were not embraced in the resolution giving extra compensation to the clerks and other officers of the Senate, was because they were an entirely new class of officers, unknown before. They are officers whose offices have been created since the original resolution was passed. But there is another point. Extra compensation is granted upon the supposition that the clerks have performed long and arduous service. If these clerks have been in service for a long time, it is right to give it; but if they have been in service but a short time it is not right.

Mr. HAMLIN. They have been in service as long as any clerks around the Capitol, clerks of committees or any others, and they will be in service till December next, which is not true of others.

Mr. BADGER. I will suggest to the Senator from Maine, that the phraseology of the resolution should be altered, so that it will be: "That there be allowed and paid under the direction of the Committee to Audit and Control the Public Expenses of the Senate, out of the contingent fund of the Senate the same," &c., and then at the end, "as was paid at the last session."

Mr. HAMLIN. I accept the modification.

Mr. DOUGLAS. I have no objection to the resolution, if the Senator from Maine will add:

Provided, It be expressly understood that hereafter no extra compensation shall be given.

I think that the greatest abuse which has grown up here is this extra compensation to all the persons about this Capitol, leading persons to seek for places here just before the close of a session for the purpose of getting the extra compensation, or getting pay which bears no sort of proportion to the service rendered. It is an abuse which is growing up here yearly, and I do hope we will fix the salaries at what they ought to be, and then put an end to this growing enormity, which I believe is more corrupting than any other thing about the Capitol. I hope that the proviso may be added, by way of a notice with respect to the future.

Mr. HAMLIN. I would certainly place these clerks on the same footing as others, and I do not know that any proviso is necessary. They will stand at the end of another session precisely as the other clerks, only they do not come within that class of clerks to which the Senator has alluded. These are clerks that have performed service during the session, and will perform it during the recess.

Mr. DOUGLAS. I do not make the objection to the clerks particularly who are provided for in the resolution; but the principal reason why I wish to have the proviso adopted is this: Each session we are told we must give the extra compensation this time, but that we will put a stop to the practice hereafter. If the proviso is not now put upon it, we will be next year in precisely the same situation as we have been in before, and we shall be told we must give it now, but we will stop it hereafter. But it never will stop unless some proviso is made giving notice that it will not be paid. I move as an amendment:

Provided, It is distinctly understood, that hereafter no extra compensation of any kind will be allowed to any officer of the Senate, or any person in the employ of the Senate.

Mr. BADGER. We have a committee instructed now, expressly on the motion of the Senator from Virginia, [Mr. HUNTER,] to make an arrangement of a system of compensation to avoid the extra compensation. I hope, therefore, the Senator will not offer his amendment now.

Mr. DOUGLAS. If that is the case, I will withdraw it.

Mr. PEARCE. What is the salary of the Superintendent of the Public Printing?

Mr. HAMLIN. It is twenty-five hundred dollars.

Mr. PEARCE. He is an officer employed by law, and I suppose his salary is fixed by law. He is not an officer of this House or of the other. I suppose the same is true of his clerks. They are not the peculiar employees of this or the other House.

Mr. HAMLIN. Yes, they are. They take care of our printing. They do much of what the Printing Committee formerly did.

Mr. PEARCE. I think this practice has gone far enough, and should be stopped.

Mr. STUART. I move to strike out of the resolution the words, "Superintendent of the Public Printing;" thus modifying the resolution so that it shall apply only to the clerks. I have asked about me for some reason why that officer should receive extra pay. I recollect distinctly when this system was adopted in the other House, economy was one of the strongest arguments used there. I believed it myself. But if we are to take the very first opportunity after an officer is created, to increase his pay, we shall make but a sorry exhibition of our effort to carry out our principles of economy. I think you might as well take the President of the United States, and increase his pay by a resolution of the Senate. I confess to you, I see no reason for it whatever, which would not exist in the case of any other officer under this Government, and I certainly cannot vote for it.

Mr. HAMLIN. I hope that amendment will not be agreed to. It is true that the Superintendent of Printing is an officer whose salary is fixed by law. It is equally true that the Secretary of the Senate is an officer whose salary is fixed by law. It is equally true that the Clerk of the House is an officer whose salary is fixed by law. The Librarian, all the clerks around the Capitol, all the officers in the Senate and House are officers whose salaries are fixed by law; and you have given to them all an additional compensation. The only reason why I would give it to the Superintendent of the Public Printing is, that I would place him upon the same footing with the other officers who are properly officers of Congress. They are not, truly speaking, officers of the Senate, but they are officers of the Senate and House. They superintend our printing; they take care of it; they audit the accounts; they are established for that purpose as much as the Secretary of the Senate is placed here for the purpose of taking care of and making up the records of the Senate. I can see no reason why you should exclude the Superintendent and make a distinction between his case and that of all the rest. I agree with the remarks which have fallen from the Senator from Illinois, and I will most cheerfully concur in fixing the sum which we are to pay to all our officers, and not give any of them increased compensation. But when you have given to all the classes of persons which I have named, I hope my friend from Michigan will not make an invidious distinction against the Superintendent, who, I believe is as meritorious as any of our officers.

Mr. BADGER. We are reduced now, according to the count which I make, to 16 Senators; I therefore move an adjournment.

The motion was agreed to, and the Senate adjourned.

WEDNESDAY, *March* 23, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BADGER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate, inquire and report whether the compensation for the expenses of the agent employed to procure and compile the information called for by the resolution of the Senate of March 8, 1851, is payable out of the appropriation for the contingent expenses of the Senate; and if not, how the same should be paid.

PAPER WITHDRAWN.

On motion by Mr. SEWARD, it was

Ordered, That Mr. Rossemeyer have leave to withdraw from the papers submitted by him a certificate of a certain contract entered into by him.

EXTRA COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the following resolution:

Resolved, That there be paid out of the contingent fund of the Senate, under the direction of the Committee to Audit and Control the Contingent Expenses of the Senate, to the Superintendent of Public Printing, and the clerks and messenger under him, the same allowance as was paid to the clerks of the Senate at the last session of Congress.

The pending question being on the amendment of Mr. STUART to strike out "Superintendent of Public Printing."

The amendment was agreed to.

Mr. BADGER. It now becomes necessary to strike out the word "him" after "under," and insert "Superintendent of Public Printing."

Mr. HAMLIN. I can see no reason why the Librarian and the Secretary of the Senate should be paid, and the Superintendent omitted.

Mr. BADGER. *Voluntas sit pro ratione*—the will of the Senate makes the reason.

Mr. BADGER's amendment was agreed to, and the resolution was reported to the Senate as amended.

Mr. HAMLIN. The question is now, I suppose, on concurring in the amendment adopted in committee. I wish to say but one word in regard to that. You have paid the Secretary of the Senate, the Librarian, and all your clerks an additional compensation, and now the question which I submit to the Senate is, why shall you exclude the Superintendent of your Public Printing from the rule which you apply to every other officer of the body?

Mr. STUART. The amendment which was agreed to in Committee of the Whole was proposed by me. I agree to what was said by the honorable Senator from Illinois, [Mr. DOUGLAS,] that the whole system of extra compensation is a bad one—a decidedly bad one. But, sir, I thought I could see a distinguishing reason why we should not apply the principle to the Superintendent of Public Printing. He is an officer appointed on the recommendation of the President; an officer over whose appointment neither House of Congress has any control, except in the mode pointed out. The officers named by the Senator from Maine are appointed by one or both Houses of Congress, and this system, bad as it is, has, therefore, a reason in its application to them, but has none whatever to the Superintendent of Printing, as I stated yesterday, no more than to any other officer appointed under the Government. The reason to which I have alluded, applicable to other officers, might, perhaps, be so extended as to apply to the public printer, elected by the vote of both Houses; but you might as well apply it to any officer who is appointed on the nomination of the President as to the Superintendent of Public Printing.

Besides, Mr. President, I do not like the reasoning upon which the thing is founded, to pay an individual because you have paid somebody else. Is the pay of the Superintendent of Public Printing too small? Then increase it permanently. If the system is a bad one, as I think it is, it should not be extended. If it is a good one, it should not be extended beyond the principle which it embraces, and that is to confine it to officers elected or appointed by one or the other or both Houses of Congress. This, sir, it seems to me, ought to be satisfactory.

It was with great reluctance I said anything upon the question at all. I did not intend at this session to say a word upon any question. Especially did I not intend to say anything about the subject of paying out money. But I would conclude by asking the question, and let every Senator apply it to his own case: By what rule of propriety will you pay out of the contingent fund of the Senate an officer appointed on the nomination of the President?

Mr. HAMLIN. I will merely say to my friend from Michigan that some of the officers whom we have already paid by our resolution are nominated to, and confirmed by the Senate before they can occupy their places. I refer to the Librarian and Commissioner of Public Buildings. Still they are properly the officers of the House and Senate. The Librarian takes care of the Congressional Library. The Superintendent of Public Printing is also properly an officer of the House and Senate; and I only insist that we shall not make fish of one and flesh of another.

Mr. ADAMS. I concur with the suggestion made, that these extra allowances are all wrong. I think every officer should be paid a fair compensation for his services. I do not intend now to participate in this debate, for it is too late to do anything with the system on this resolution; but

I give notice to the Senate that if I shall live to the commencement of the next session, I will introduce a resolution at an early period instructing the proper committee to inquire into the compensation allowed to the employees of the Senate; and if it is not sufficient in the judgment of the Senate, that they fix by law the amount to which they are entitled. Increase their compensation if it is not enough. I am willing to do that, but I am opposed to the extra compensation. I am willing to pay them what is fair and reasonable. But I shall not oppose this resolution. As the extra compensation is allowed to others, I see no reason why it should not be allowed to the persons mentioned in this resolution.

Mr. BORLAND. As chairman of the Committee on Public Printing, I feel it to be my duty to state to the Senate, that if there are any employees of the Government, who, on account of arduous and important services rendered to us, can in any way be considered entitled to the extra allowance, the Superintendent of Public Printing, his clerks, and messenger are entitled to it. I know the amount of labor which they have to perform. I was astonished when the Superintendent of Public Printing told me that with two clerks and a messenger he could perform the duties required of him. I thought, and so stated at the first session of the last Congress, that it would take six clerks; and I think his reducing them to two, and the amount of labor which I know he performs, which requires all day and sometimes late at night, entitle him and those who assist him, if anybody is entitled, to this extra compensation. There is another circumstance which would make it peculiarly hard as well as invidious to make this distinction against them. The bill which passed at the recent session making appropriation for their compensation failed to receive the signature of the President, and is not a law. They will have to wait until the next session before they can get any compensation for their services at all. It would therefore be very hard to refuse them this allowance. I do hope it will not be done. I will go as far as any Senator, at the next session, to get clear of the system of extra allowance and fix the regular salaries of our employees at a fair rate, and oppose always afterwards any extra compensation; but do not let us begin with this case, and make this invidious distinction.

Mr. BADGER. I was persuaded by the clear and distinct statement made by the honorable Senator from Michigan [Mr. STUART] yesterday, that there was a propriety in striking out "the Superintendent of the Printing" from the proposition to give extra pay, and I consequently voted with him this morning in Committee of the Whole to strike it out; but, sir, I am obliged to say, for truth and candor require it, that the Senators from Maine and Arkansas have satisfied me that I was misled by the plausible statement of the Senator from Michigan, and that the strength of the argument is the other way. The Senator from Maine has shown that we are in the habit of paying extra compensation to two officers who are appointed precisely as the Superintendent of the Public Printing is appointed; and the reason why we have been in the habit of paying them is precisely in full force and operation, as a reason for paying this officer; that is, that they are engaged in discharging duties which properly are connected with the two Houses of Congress. The real difficulty and incongruity, Mr. President, has arisen from this, that Congress by its legislation has given the appointment of the Librarian, of the Superintendent of Public Buildings, and of the Superintendent of their own printing to the President. That is the error. You ought to have retained the appointment of every officer who is concerned in discharging duties in which we alone are primarily interested. But there can be no reason, under the circumstances, why we should except the Superintendent of the Public Printing, after having paid to others standing in precisely the same relation as to the mode of appointment and the duties which they have to discharge towards us; and therefore my attention being called to that fact, I am obliged to say that the honorable Senator from Michigan, I think, will, by persisting in his amendment, be accomplishing what the Senator from Maine says: making fish of one and flesh of another.

But, Mr. President, I did not rise particularly for the purpose of saying this, but just to drop a word in behalf of an expiring system which everybody condemns, but which I really do think is in itself a very good system—that of extra compensation. Why, Mr. President, before we yielded to the influences operating upon us from the other House, and the clamors raised throughout the country, to a certain extra mileage to which we used to be entitled——

Mr. BORLAND. Constructive.

Mr. BADGER. "Constructive" mileage. I wish to know whether any member of the Senate ever found it inconvenient to him to receive that constructive mileage at an extra session?

Mr. FITZPATRICK. I never received it.

Mr. BADGER. Here is an honorable Senator who says he never took it. Then he did not find it inconvenient to receive it. [Laughter.] No man can be inconvenienced by receiving a thing which he does not receive; therefore my proposition remains in full force.

Mr. ADAMS. Will the Senator allow me——

Mr. BADGER. I am in the midst of my argument now, and I cannot give way.

Mr. BUTLER. The Senator from Mississippi will help you.

Mr. BADGER. I know he will. He is always right, [laughter;] but I shall prefer at present to go on. We found it convenient to ourselves to receive this mileage. I did, though my amount was small. The honorable Senator from Mississippi found it much more convenient, because his was larger. [Laughter.] I did not grudge him his. I was never for leveling his down, but I would have been always willing to level mine up. [Renewed laughter.] We cannot retain this for ourselves. It is said to be an abominable system with regard to our officers; we are told to raise their salaries to the amount requisite and pay them that, and no more. Now, sir, I think there is something extremely agreeable at the close of the session, when the officers have been serving us with fidelity and attention and kindness, doing everything they could to promote our convenience as Senators, and enable us, by their assiduity and attention, to discharge our public duties with more advantage to ourselves and to the country, and promoting our personal convenience—I say there is something to me exceedingly grateful in this "free-will offering," by which we tell them, beyond the demands of law, "You are to receive this as a testimonial of the estimate in which we hold your assiduous and voluntary service beyond the demands of your official duties." Therefore, sir, I wish merely to pay a testimony of my respect and consideration for a system which is soon to leave nothing but its memory behind.

I would say to the Senator from Mississippi that his resolution at the next session will be entirely unnecessary, for we have already burdened a most laborious and overburdened committee of this body—that is the Committee on Retrenchment, one of the standing committees of the body provided for by our rules, because it is necessary that it should always be in existence and ready to meet the large demands of the public upon its service—by a resolution introduced by the Senator from Virginia, with the duty of producing a scheme of compensation to be adopted at the next session, which will relieve us of what some gentlemen consider a painful necessity, but what I look upon as the agreeable office of voting extra compensation to our officers. Therefore, we have nothing at present to do but simply to pass this resolution, and then the whole system will be broken up, because at the next session, should such be the decided sense of the Senate, we will revise the salaries of the officers and stop the contingencies.

Mr. ADAMS. My object in attempting to interrupt my friend from North Carolina, was to make an acknowledgment to him and other Senators. If I do injustice to any one I always take pleasure in retracting it. Heretofore, I have with most of the country condemned what has been known as constructive mileage; but since I have had the honor of being a member of this body, and experienced during the last six weeks especially, the labor of sitting up here all night when the public interest required it—the labor which we have had to perform here and elsewhere connected with the duties of a Senator, I say now that I acknowledge I have done injustice, and that Senators ought to have the constructive mileage; nay, it ought to be more than it ever has been, [laughter,] and if I had the liberty now, I would take it most conscientiously. [Laughter.]

Mr. BADGER. So would I. [Laughter.]

The question was taken on the amendment, and it was not concurred in.

Mr. DODGE, of Iowa. I offer the following amendment:

Provided, That no extra compensation shall hereafter be allowed to any one out of the contingent fund of the Senate.

Mr. BADGER. I hope my friend will not insist on that. What does it signify? Suppose we pass a resolution hereafter to make the allowance, will that control us?

Mr. DODGE, of Iowa. I am aware that we can override it. But what does the Senator from Arkansas and every other Senator who advocates the resolution say? Just what has been said at every other session: "This is the last time we will make the allowance." I have been made the instrument under which these things have been brought here, under the pressure of men, women, and children; at midnight and daylight I have been dragooned, and bedeviled, and hunted down, until I had to succumb. [Laughter.] You are now taking in everybody connected with the Senate—officers created and appointed by the President as well as the others. You fixed the salary of the Superintendent of the Public Printing, upon your deliberate judgment, at $2,500, the highest price which anybody says should be given for the talents and knowledge which he possesses; and yet you immediately vary the proposition to add to his pay $250 or $300. You have also included the reporters in the list of those to whom you give the extra compensation; and the Committee to Audit and Control the Contingent Expenses of the Senate are annoyed day after day to give such a construction to the allowance as will bring in every man who is engaged in cutting stone, or has anything to do on the Capitol extension. It is now extended so far that the whole thing is about to fall by its own weight. My proviso is in the shape of a proclamation to everybody connected with the Senate, that hereafter this thing is to stop, and when the Committee on Retrenchment and Reform, will because it was committed to them, take up the subject at the next session, they will not be put off with the apology that "this is the last time" that the extra allowance shall be made. That is all I ask. I know we can hereafter disregard the proviso. My friend from North Carolina comprehends my motive. He knows I am the last man who would deal illiberally with any of our employees.

Mr. BADGER. I know it, and therefore I will make an appeal to the Senator for the last time [laughter] to withdraw his amendment, not on account of any objection to the principle contained in it, but I think it will place us in rather a ridiculous attitude.

Mr. DODGE, of Iowa. I withdraw it.

Mr. BRODHEAD. I think the amendment ought not to be withdrawn. I do not think it is the last time; I do not believe this is an expiring system.

Mr. BADGER. Oh, yes; it is dead. [Laughter.]

Mr. BRODHEAD. At the extra session of the Senate in 1851, I heard you, Mr. President, (Mr. ATCHISON in the chair,) say it was the last time; and I could not understand till this morning why it was that my friend from Iowa [Mr. DODGE] was so anxious at the last night of the last session to have a resolution passed, giving the sum of between twenty and thirty thousand dollars to the employees. I now understand it. I can comprehend his feelings. I believe he said he was dragooned and bedeviled and hunted down by men, women, and children. How much do you think we paid under this resolution?

Mr. BADGER. Fifty thousand dollars?

Mr. BRODHEAD. We paid about $28,000. The plain honest people throughout the country, who work as hard as our employees, think that $30,000 ought to be enough altogether. But, sir, this is extra compensation. I know the officers of the Senate are most worthy officers, and the most accommodating gentlemen that I was ever associated with. I am willing to give them a liberal compensation, but it is a miserable system of

paying them about $30,000 extra at the close of a session, and on the last night of the session. But it will never come to an end.

Mr. BADGER. I wish to say one word about this "last time" to which Senators have alluded.

Mr. BUTLER. "Henceforth." [Laughter.]

Mr. BADGER. "Henceforth;" I change the word. What the Senator said is correct, but he forgets one part of it. The Senator from Indiana, [Mr. BRIGHT,] at the session before the last, said he would yield for that time, but at the commencement of the next session he would introduce a resolution for revising and increasing the salaries, and he was assured if he did so he would receive the entire support of the Senate. He omitted it at that session, and he explained to me the reason, that it was not a suitable time to introduce it, when we had adopted a provision in the appropriation bill making a temporary increase of the salaries of most of the subordinate employees of the Government. That was the reason why he did not introduce it.

Mr. CHASE. I am opposed generally to this doctrine of "henceforth." I do not believe in it as it was explained the other day by the Senator from North Carolina. That which is fit to be done is fit to be done now; and that which is right should be insisted on at all times. If a policy is expedient, it is expedient that it should be carried out now and at all times.

My friend from North Carolina has said that this is an expiring system. I think it is a wrong system, and I agree in that with the Senator from Illinois, and with the other Senators who have spoken on the subject to day. If it is wrong, it should be discontinued, and I know of no time so proper for its discontinuance as the present; and therefore, for the purpose of testing the sense of the Senate upon that, I desire to submit this amendment:

Provided, That hereafter no allowance of any kind, beyond their regular compensation, shall be made to any officer of the Senate.

Mr. BADGER. Is it in order to move to amend that amendment?

The PRESIDENT. It is.

Mr. BADGER. Then I move to add the words "unless directed by the Senate." I presume the honorable Senator from Ohio does not mean to say, that if the Senate should direct the payment of the extra allowance, the Committee on Contingent Expenses shall not pay it. Now, let us look at this case. The Senator's amendment provides that hereafter no extra allowance shall be made. Suppose that at the next session an extra allowance is ordered. The Senator certainly does not mean, if that is ordered by the Senate, and paid by the Secretary out of the contingent fund, that he shall lose the money. It unquestionably means nothing but this: that no extra allowance shall be paid unless the Senate direct it. If it means that, say it. I submit the amendment to make the proviso consistent with the state of the law.

Mr. CHASE. I am quite aware that the Senate, at the next session, may, if they choose, notwithstanding this proviso, grant the extra allowance; but the object of the proviso, I suppose, cannot be mistaken. It is to declare that in the judgment of the Senate the system is wrong, and ought to be discontinued. We have heretofore, upon almost every occasion, as is well known, when propositions for granting extra allowance have been made, been told it is the last time. Now, I wish to put it upon record that it is the last time. We all know very well that it is perfectly competent for the Senate at the next session, if they see fit, to overrule or rescind the proviso. They may do that; but unless it is adopted there will be nothing to indicate that it is the understanding of the Senate that this system ought to be discontinued. On the contrary, if the proviso be adopted now, in my judgment, the system will be discontinued. If it is not adopted, the Senate say in effect that the system shall be continued. I hope that the Senator from North Carolina, inasmuch as he says his amendment will not affect the case at all, will not press it.

Mr. BADGER. I think my proposed amendment does affect the case greatly; for the amendment of the honorable Senator, as it stands, declares that no payment shall be made, whether directed by the Senate or not. Undoubtedly that is so, for it says no payment "shall be made," without any qualification whatever. Now I deny the power of the Senate to do that, and I deny the propriety of doing it. If, as the Senator says, it does not mean that, why not make it speak what it does mean, that no payment shall be made hereafter unless the Senate direct it? I think he admits that if the Senate does direct it the payment must be made. It is mere *brutum fulmen* to put there a declaration that no payment shall be made hereafter of any extra allowance or compensation, when the Senator knows perfectly well that if the proviso is adopted the extra allowance can be made if the Senate choose, and will be paid in the manner in which it has been done heretofore. Therefore, I think, in order that we may not stultify ourselves by undertaking by the proviso to tie our own hands, we ought to adopt my amendment. I admit that after the amendment to the amendment is adopted, it will present rather an extraordinary spectacle, but not half as extraordinary as the amendment in its present shape. It is not an amendment declaratory of a purpose; it is not an amendment declaratory of the intentions or judgment of the Senate; it is a peremptory and mandatory proviso that hereafter no additional compensation shall be paid. Whom does it limit? It proposes to limit somebody. If it limits anybody it must be the Senate, for nobody else has assumed any authority to order the payments but the Senate. It is said that we do not pretend to limit the Senate. Then say so expressly upon the face of the amendment. Suppose the honorable Senator should add a proviso to a bill relating to the salaries of officers, that hereafter no salary should be paid to any officer, greater than the salary allowed in that bill, when the officer could receive no salary except under that or some subsequent law. Does not the Senator see that it would be vain and nugatory? I am sincere about this matter, and I should be very sorry to have such a proviso appended to the resolution. I think it places the Senate in a very absurd position. It uses the word "shall" as applied to the Senate or somebody else. It is admitted that nobody has anything to do with it but the Senate, and it undertakes to say that the Senate hereafter shall not do a particular thing. We thus undertake not only to say that we shall not do it, but that no Senate hereafter shall do it. I cannot see the propriety of it. I believe, myself, that when the Committee on Retrenchment reports at the next session, the system they report will be adopted, and that will put an end to this business. But I would rather the system should continue forever than adopt such a proviso as is proposed by the Senator from Ohio.

Mr. CHASE. Every law is subject to repeal; every rule is subject to alteration. The Senate, if they see fit, may proceed in disregard of their rules, by unanimous consent. They cannot disregard a law which they impose upon themselves, except by unanimous consent. It is true that this amendment will become the rule of the Senate unless it is repealed. Therefore I desire its adoption because I know it will constitute a rule, and because I know that unless it is adopted we shall continue to be found in precisely the same situation as at the last night of last session, and the same appeals will be made to us, and we shall be under the duress of which Senators have complained.

I offer the amendment because I think it is right, and because I think it is due to us that we should arrest this system. I have no complaint to make of Senators who differ with me, and who regard this as a fit and proper system. The honorable Senator from North Carolina has said frankly and explicitly that he approves the system in itself. Now, if the Senate approve the system in itself, they will show it by their vote, in adding to my amendment the amendment which he proposes, and thereby reduce it to a nullity. If, on the contrary, the Senate is of opinion that the system should be discontinued, and concur with me in that, and do not concur with the Senator from North Carolina, they will reject his amendment and adopt mine. It is simply a question of difference as to policy. I am unfortunate in differing with a Senator for whom I have so great respect; but differing as I do from him, I think it proper, and feel bound to present the views which I entertain on the subject.

Mr. BADGER. I wish to correct one error into which the Senator has fallen. Although I have been a friend of that system, and think it the best, I do not choose to stand in opposition to the sense of the Senate if a change is determined upon. I am willing that the system shall be discontinued, not because I think it is wrong, not because I do not think it is good in itself, but because it is the subject of complaint, and liable to misapprehension and misconstruction. But I do object to putting a proviso of this kind to the resolution, which my friend from Iowa withdrew at my earnest solicitation, because it places us in a ridiculous attitude before the country. If we cannot trust our own firmness and decision, without a pledge in the form of a resolution to control our action, let us confess our imbecility, and give way to somebody to correct it.

Mr. DOUGLAS. I hope the honorable Senator from Ohio will have more firmness than either the Senator from Iowa or myself have shown in offering an amendment and then withdrawing it. I hope he will not withdraw the proviso. I confess I admire the apparent earnestness and frankness with which the honorable Senator from North Carolina has argued this question. The real point at issue is this: shall this abuse be discontinued or not? Whenever we have attempted to arrest this practice towards the end of a session, we have been invariably told that it will not do to stop it at that time, because the employees have been engaged, and have worked under the expectation of getting it; that we must give notice at the beginning of a session that we are not to make these allowances; that there was an implied obligation to grant it at the end of the session. That argument invariably prevails when objection is made to the adoption of a resolution towards the close of a session. Then the advocates of the system, when a proposition is made to give notice, think it is very unbecoming to give such a notice, and say that we must have firmness when the time comes at the end of the session, to resist and stop the abuse. Thus by one course of argument at the opening of the session, and by another course of argument at the close of the session, the system has been extended till it has reached now the character of an intolerable abuse. I hope we will adopt the amendment and give the notice. I believe that is the object of the Senator from Ohio by his amendment. The effect of the amendment to the amendment offered by the Senator from North Carolina, is to carry the implication that hereafter we will grant the extra allowance.

Mr. BADGER. No; but that it must be paid if we do.

Mr. DOUGLAS. I understand the argument of the Senator upon that subject; I think it would be an improvement of "Chitty on Special Pleading." The proviso is, that hereafter no allowance shall be made. If that proviso be adopted there is a notice that our employees are not to expect it, and if they do they will not get it. Then the amendment to the amendment that the allowance shall not be made unless authorized by the Senate carries the implication with it that we will pay it hereafter as we have on every former occasion. Hence, the question is now distinctly stated whether or not we will put an end to this abuse, and we arrive at that distinct issue by rejecting the amendment to the amendment, and standing firmly by the amendment of the Senator from Ohio.

Mr. DODGE, of Iowa. I trust the amendment to the amendment will be rejected, and that we shall adopt the amendment of the Senator from Ohio, although I yielded to the solicitation of my friend from North Carolina, and thus showed his power over me. It is not the first time that I have yielded to that power. But I look upon the amendment just as I do upon the amendments made to appropriations for custom-house buildings. Congress has the power to go on and appropriate its dollars *ad infinitum*, I know. When a bill is before us granting money for the construction of a custom-house, a proviso is always added that the expenditure shall not exceed the appropriation, and my friend from Virginia [Mr. HUNTER] has almost worn out his fingers drawing up such provisoes. But we know that Congress has power to override them. I look upon them as a proclamation to those engaged in erect-

ing the custom-houses to keep within the amount if they can, for they will have a hard fight to get any more dollars out of the Treasury in that way. But this question is now up, and the action of the Senate is to be had, and I do believe that the precise inference will be drawn which the Senator from Illinois has suggested, if the amendment is rejected, and my friend from North Carolina who has been in the habit of triumphing over us, will triumph in the same way again, and everybody will get the money hereafter, who has been accustomed to get it, and it will go even to the printers and printers' clerks. I hope my friend from North Carolina will yield to me in this small matter, and cease to battle with me. I have given up to him once, and I now call on him to give way and vote for the proviso.

Mr. BADGER. Nothing would gratify me more than to have an opportunity of yielding to my friend, but he must remember that this is not the proper place, *in propria loco;* things must be done in the right place. Now, he will recollect that he made his proposition, and at my appeal he kindly and generously withdrew it. His own heart, to which he then yielded, suggested to him that the proposition was a wrong one; but unfortunately he has allowed the hard-hearted reasoning of the Senator from Ohio, supported by the unfeeling argumentation of the Senator from Illinois, to induce him to resist the impulses of his heart, and to resort to the stringent operation of another influence. Now, Mr. President, such being the case, I cannot yield to him, because I should be doing my friend wrong. It would aid him in displacing himself from the elevated position which he just now occupied. [Laughter.] The argument of my friend refers to the cases of limitations in regard to custom-houses. Whenever it is necessary to make an increase of the appropriation is it refused? Never; and it never ought to be, for if the custom-house ought to be built, and the sum first appropriated turns out to be inadequate, how absurd it is to say that we will not appropriate the money to complete it; that we will give no more because we said we would give no more. So here my friend must be aware that if the Committee on Retrenchment report a system upon this subject, and it should be adopted, the extra compensation will be done away with; but if it should not be adopted, he knows that the Senate will order the extra compensation, so that the amendment is useless. I beg him to fall back upon the position of generous noble-heartedness which he occupied a little while ago.

Mr. DODGE, of Iowa. I will say to the Senator that it was my judgment which was influenced to withdrew the amendment and not my heart. I withdrew it because I had a regard for the business of the Senate, and did not wish at the eleventh hour of the session to consume time by going into these matters. But, sir, I am satisfied that good will grow out of the adoption of the amendment of the Senator from Ohio, notwithstanding the argument of my friend from North Carolina. I do consider that whatever Committee on Retrenchment is formed at the next session, it will regard the adoption of the proviso as an instruction. If it is voted down, the committee will just go on as it did at the last session, and precisely the same scenes will be enacted at the close of the session. It is not the first instance in which my friend from North Carolina has had a triumph over me. In all the little matters of books, constitutions, &c., he has triumphed over me. He has almost always triumphed over me by appeals, if not by votes. I certainly do not blame him.

Mr. BADGER. I never had a triumph over my friend except in contests of generosity. In a contest for votes, he has obtained it.

Mr. DODGE, of Iowa. But I will not prolong this controversy further. I hope that the amendment of the Senator from Ohio will be agreed to.

Mr. BRIGHT. I think the Senator from Ohio is right in offering his amendment, and I think his reasoning in support of it has not been controverted by the Senator from North Carolina. The system of extra compensation was considered a very trivial matter at its inception, but like every other iniquitous system it has grown, and though the Senator from North Carolina claims that it is expiring, it has certainly been longer dying than any other measure which I have ever seen before this body. I have studiously resisted the payment at every session since I have been a member of the body. The system commenced in the first place by giving to the clerks $100 each, I believe, and to the other officers of the body $50. It has grown to such an enormous extent that we now appropriate over $30,000 per annum for the object. At the first session of the last Congress we appropriated, as has been said by the Senator from Pennsylvania, over $28,000; the last session the amount was over $30,000. Yes, sir, to an officer of this body whose salary is $3,000 we add $500 extra; to an officer whose salary is $1,800 we add $250 extra; to an officer—the Sergeant-at-Arms—whose salary is $1,500 we add $500 extra, to clerks whose salaries are $1,500 we add $250, to employees who draw from three to four dollars per day we add $250, at a short as well as a long session; swelling the appropriation to the enormous sum of over $30,000.

Whenever it has been resisted heretofore, we have been met by just such an argument as that used by the Senator from North Carolina to-day, that the employees expected it; that they had lived with reference to it; that it would interfere greatly with their private engagements if they did not get it, and therefore we were bound to vote for it. We voted it at the last session, and we are asked this morning to add three to the list. I thought we had gone far enough when, at the close of the last session, we added the gate-keeper; yes, sir, the gate-keeper in the public grounds, remote from the Capitol. I did not object to that, believing that an objection would be useless, as I uniformly failed in objecting to the system. But we have come to a point now when the system can be checked. We can, by the amendment offered by the Senator from Ohio, give notice to our employees—worthy persons all of them, qualified for their places, I admit; I mean nothing against any of them when I say, that if they are not satisfied with their regular salaries, there are plenty of persons throughout this Confederacy, who would be glad to take their places. If we give the notice, it will be no argument hereafter, in support of the extra compensation that our officers have been living with reference to it. I hope that the vote on the amendment will be regarded as a test vote as to whether we intend to continue the system or stop it, and with that view, I ask for the yeas and nays on it, so that the notice may appear on the record.

Mr. BAYARD. In the special session of 1851, when I first took a seat in this body, I recollect that a resolution was offered to supply an omission which had occurred in not passing the customary resolution at the preceding session in reference to the extra compensation. At that time I was very much struck with the force of the argument used by the Senator from Indiana in opposition to the allowance. Independent of that argument, I could never have consented to the introduction of such a system. But what weighed with me in reply to that argument, was the language of a distinguished Senator using the very style of argument alluded to by the Senator from Illinois. It induced me to vote in favor of the resolution, with the determination in my mind that at no subsequent session would I give such a vote. I will read the remarks made by the Senator from North Carolina in reference to the argument of the Senator from Indiana, in order to show the necessity of the amendment now proposed by the Senator from Ohio. Unless we adopt that amendment, we shall have the same appeal made at another session which was made then. The Senator from North Carolina said:

"I think the honorable Senator from Indiana is entitled to all praise and commendation for the sentiments expressed on this subject, taking the open, public, and manly ground which he has taken in respect to it. I am glad to hear him say that he intends at the next session of Congress to propose a bill for the purpose of the reorganization of the system. I assure him that I for one will, to the utmost of my power, cheerfully cooperate with him in establishing such a system as shall make it unnecessary for the Senate to vote any extra compensation. But no question as to what we shall do at the next session is now before us. The question now is, whether we shall make the usual extra allowance to our officers, or suddenly, without notice, without preconcert or any new arrangement, cut them off, and leave them without that which, from our past conduct, they had a just and fair right to expect?"

It was the force and strength of that argument, applying to the precedents and usages of the Senate, and the impropriety, without notice, of depriving the officers of the compensation to which from our previous action they might look, which induced me at that session to vote for the compensation. The same argument will be made hereafter, unless the amendment of the Senator from Ohio prevails. If it does prevail, no officer can reasonably expect that the extra allowance will be made. Being myself entirely opposed to the system, on the ground that it must inevitably lead to gross corruption and abuse, and might be extended to all the officers of the Government with as much reason as to the officers of the Senate, although it would require in one case, the action of both Houses, and in the other only the action of the Senate, I will vote against the resolution, unless the proviso is adopted.

Mr. BADGER. The introductory remark in what the Senator from Delaware has done me the honor to read, should be expounded by a certain figure in rhetoric by which that is intended which is not expressed, in order to show the meaning which I had in view in what I said at that time. But so far I was entirely in earnest in that case. Though believing in the propriety of the original system, yet it is the subject of so much unnecessary difficulty in the Chamber and so much misconception, that I am ready to yield and vote for the system which may be matured to render it unnecessary.

Mr. BAYARD. I read those remarks merely for the purpose of showing that the same argument might be made at a future session, if we do not give the notice now. It was an argument that weighed with me, coming with the force with which it was stated, the first session at which I took a seat in this body. By the adoption of the amendment I think you preclude the possibility of using such an argument at another session.

Mr. BADGER. If the Committee on Retrenchment report a system which will do away with the extra compensation, no one will vote for the allowance; but if it does not, I assure the honorable Senator I will move the usual resolution, and the Senate will adopt it.

Mr. BAYARD. I think not.

The PRESIDENT. The question is on the amendment of the Senator from North Carolina to the amendment.

Mr. BAYARD. I will merely remark that the object of the amendment to the amendment is to destroy the original amendment, and those who are in favor of the original amendment will vote against the proposition of the Senator from North Carolina.

Mr. CHASE. As the object of the amendment to the amendment is clearly seen, we might as well take a test vote on it, and I therefore ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 4, nays 30; as follows:

YEAS—Messrs. Badger, Borland, Cooper, and Morton—4.

NAYS—Messrs. Adams, Atchison, Atherton, Bayard, Benjamin, Bright, Brodhead, Butler, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Hamlin, Houston, Hunter, James, Jones of Iowa, Mallory, Mason, Norris, Sebastian, Seward, Smith, Soulé, Stuart, Sumner, Thompson of Kentucky, and Weller—30.

So the amendment to the amendment was rejected.

The question recurring on the amendment, Mr. BRIGHT called for the yeas and nays, and they were ordered; and being taken resulted—yeas 34, nays 3; as follows:

YEAS—Messrs. Adams, Atchison, Atherton, Bayard, Benjamin, Bright, Brodhead, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Everett, Fish, Fitzpatrick, Hamlin, Houston, Hunter, James, Jones of Iowa, Mallory, Mason, Morton, Norris, Sebastian, Seward, Shields, Smith, Soulé, Stuart, Sumner, Thompson of Kentucky, Toucey, and Weller—34.

NAYS—Messrs. Badger, Borland, and Cooper—3.

So it was agreed to; and the question recurring on the resolution as amended, it was agreed to.

PRINTING OF A MAP.

Mr. BORLAND. The Committee on Printing, to which was referred the question of printing a map indicating the proposed course of steam navigation between San Francisco and Shanghai, to accompany a bill of the Senator from California, [Mr. GWIN,] for the establishment of a line of mail steamers, have directed me to report in favor

of printing the same, and also in favor of printing one thousand extra copies.

Mr. SEWARD. I move to amend the report by striking out "one thousand" and inserting "one thousand five hundred."

The motion was agreed to; and the report of the committee, as amended, was concurred in.

REPORT ON THE MEXICAN BOUNDARY.

Mr. BORLAND. The same committee, to which was referred the report of the Secretary of the Interior, communicating, in further compliance with a resolution of the Senate, certain papers in relation to the Mexican boundary commission, has directed me to report it back; and as the two thousand additional copies of the first part of the report of Mr. Bartlett, the commissioner to run the boundary line, of which this is the completion, have been ordered to be printed, the committee report in favor of printing two thousand additional copies of the completion of it.

The report was concurred in.

PAPERS WITHDRAWN.

On motion by Mr. MALLORY, it was

Ordered, That the heirs of Joseph H. Waring be permitted to withdraw their papers from the files of the Senate.

REPORT OF TOPOGRAPHICAL DEPARTMENT.

Mr. HAMLIN. On the 19th of April, 1852, there was transmitted to the Senate a report of the Topographical Department, relating to the beacons and light-houses on the new south shoals of Nantucket. Owing to the state of the public printing it was not ordered to be printed. I move that it be printed for the use of the Senate.

The motion was agreed to.

REPORT OF COMMITTEE ON FRAUDS.

On motion by Mr. HOUSTON, it was

Ordered, That fourteen hundred additional copies of the report made yesterday by the Committee on Frauds, &c., be printed for the use of the Senate.

LATE SERGEANT-AT-ARMS.

On motion by Mr. SHIELDS, the Senate proceeded to consider the following resolution, submitted by him on Thursday last:

"*Resolved*, That the Secretary of the Senate pay to Robert Beale, late Sergeant-at Arms, the salary for the residue of the present year."

Mr. PETTIT. Mr. President, I cannot well imagine how a Senator who has just voted for the amendment offered by the Senator from Ohio to another resolution, can propose such a resolution as this. What do you propose to do, sir? You are here undertaking not to pay an officer, or one who is to render service of any kind to the Senate, but to pay a person whom you have discharged from service. There can be no color of any claim for this compensation. You might as well establish a rule that after you had discharged all your officers you would continue to pay them. I would like to know if there is any reason for it. You can hold your officers as long as you please, and pay them; but after they are discharged, I cannot see why you should pay them.

Mr. SHIELDS. As the Senator from Indiana has charged me with inconsistency, I must say to him that I am not inconsistent in offering this resolution, although I did vote for the proviso of the Senator from Ohio. His proviso was against giving extra pay to officers of the Senate. Everybody knows that Mr. Beale is not an officer of the Senate, so that there is no inconsistency.

Mr. MASON. It is manifest that this resolution will lead to debate, and I therefore move to lay it on the table for the purpose of proceeding to the consideration of Executive business.

The motion was agreed to; there being on a division—ayes 17, noes 16.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

THURSDAY, *March* 24, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The Senate proceeded to consider the following resolution submitted by Mr. WALKER, from the Committee on Indian Affairs, on the 21st instant:

Resolved, That the Committee on Indian Affairs be, and they are hereby, authorized to delegate one of their number to proceed, during the ensuing recess of Congress, to take testimony in the matter now on reference to said committee, touching certain frauds alleged to have been committed by Alexander Ramsay and others, in making payment of moneys to certain bands of the Sioux Indians; and that the member of said committee so to be delegated have power to proceed to such points as may be necessary, and to send for persons and papers, and swear witnesses, and take their testimony, and certify the same with other proofs to said committee for their report thereon at the next session of Congress.

Mr. HUNTER. I think that that is a very objectionable resolution. I think it a very bad practice to have committees of the Senate sitting in the recess. I believe that is not a fair and proper mode of investigating any question; still worse would it be for a committee to delegate its power to one single individual. It is a power which ought not to be exercised by any single member of Congress. It seems to me that the inquiry proposed by the resolution belongs to the Executive. We shall soon have a new Governor of the Territory, I presume, who will be *ex officio* Superintendent of Indian Affairs, and to him or to some special commissioner to be appointed by the Executive, would most properly be delegated such a duty as this. Are we to send our members, or the members of the House of Representatives, about the country as commissioners to take testimony? Surely there could be no practice more dangerous. I hope the Senate will not agree to it.

Mr. WALKER. I am aware that the opposition to, or the advocacy of, any matter which may be proposed in the Senate by the Senator from Virginia, comes with a great deal more force than anything which I, and perhaps the Committee on Indian Affairs, can say; but that there is anything so peculiar in this matter I am not able to perceive. The subject has been referred to the Committee on Indian Affairs. They have proceeded to a considerable extent in taking testimony. They find in that investigation that, with the witnesses which they have examined here, they can proceed but a short way in the inquiry. They have proceeded far enough, however, to see that this is an important matter, and that it ought to be investigated, and that the Senate ought to be fully informed about it. It is a matter which has been brought before the Senate upon memorial—upon formal charges which I hold in my hand.

Mr. SEWARD. Who are they made by?

Mr. WALKER. By persons residing in Minnesota. One of them is a Mr. Robinson, and another is a Mr. Sweetser. There are various depositions which the committee think it important to make.

Mr. SEWARD. The Senator will excuse me for asking him to state the substance of the charges.

Mr. WALKER. An appropriation of $590,000 was made for the Sioux Indians. The substance of the charges is, that Governor Ramsay, who was the custodier of the money, got the currency of the United States exchanged for the paper of certain banks of the State of New York, upon which he made a large percentage; that he took the money to Minnesota; that he there employed a third person as agent to make the payment; that in making that payment the agent of the Government imposed upon the Indians the necessity of allowing a large percentage, alleged to be fifteen per cent., upon the money paid, before it could pass into the hands of the Indians; that the money that was set apart to be paid to the half-breed Indians was arbitrarily paid, and only to a certain portion, and withheld from the rest. The committee have proceeded, to a certain extent, to investigate the charges. They have arrived at a point which would show that there is a great deal of importance in it; but they can proceed no further for the reason that some members of the Legislature of Minnesota, which has lately been in session, and persons who reside there as missionaries and as citizens have not been here, and could not be got here in time to give us their evidence; but they can be sworn there, and their testimony taken.

I am aware, as I commenced by saying, that the Senator from Virginia occupies an important position here. He is chairman of the Committee on Finance, which connects itself peculiarly with the Executive Department; and Virginia also has the head of another committee which connects itself still more with that Department; but the Senator has no Indians in his State, and he has no occasion to hear their clamorings, as I have. He does not know how the matter affects the local community. He can ill appreciate that there are thousands of Indians on the frontier of Minnesota, and among the pioneer settlements there, ready to do violence to protect their rights unless they see the Government moving with some prospect, and some hope to them, that they are to have their matters investigated. Is there any peculiarity in confiding to an individual the power of a *dedimus protestatem* to take testimony? Has not the gentleman, in courts of justice, frequently sued out these powers, and sent them to single individuals who could swear witnesses and return the testimony certified to the court? That is all that is proposed by the resolution. It is only proposed that a single member of the Committee on Indian Affairs shall be authorized to go on and complete the taking of the testimony during the recess, not to make a report, but to certify that testimony to the committee at the next session, so that they may have it under examination and report it, together with their report, to the Senate. It is alleged in a letter which accompanies the charges that the individual has had to exercise his personal influence to keep the Indians, who have arms in their hands, from doing personal violence to the inhabitants. I hope violence will not result. For one, I am willing to lend myself to the duty of trying, if possible, to prevent it. I cannot see that there is any enormity in the proposition contained in the resolution. If it be that a commissioner is to be sent out, as the Senator proposes, be it so; but my candid opinion is that it will cost vastly more than what the committee propose will cost. A member of the committee can take the testimony and bring it here, and the Committee on Indian Affairs can make their report upon it. I cannot see, situated as we are, that we should not be presumed to feel a deeper interest in the matter than the Senator from Virginia; and I cannot well appreciate, unless the design of his opposition is personal, why it is thrown with so much strenuousness and violence against the matter. I am one of those who have lived long, for the period of my life, upon the frontiers. I have been much in contact with the Indians. I know a great deal of their character. I know the necessity of keeping something in motion to satisfy them that the Government intends to give a respectful consideration to their rights, and that is all that is proposed here.

Mr. BRODHEAD. I have heard a great deal about these charges against Governor Ramsay, and I think it very proper that I should say a word or two with regard to him.

Mr. WALKER. Will the Senator allow me to say that in what I have said I did not intend to intimate anything against Governor Ramsay. I have only stated that charges have been made, and intimated the importance of having them inquired into, by taking testimony.

Mr. BRODHEAD. I have heard of these charges, and it is proper that I should say that I have had an acquaintance of several years with Governor Ramsay. I have served with him for four years in the House of Representatives. I also served in the Legislature of the State of Pennsylvania while he was a clerk of the House. I think therefore that it is due from me to say, that while I served with him he maintained a good character for integrity. I say nothing about his political views, for I differed with him on that subject. I think it is proper that these charges should be investigated. It is due to Governor Ramsay, and I confess I cannot see any more proper mode of making the investigation than that proposed by the Committee on Indian Affairs. I think it would be quite as economical as any mode that can be pursued. I think the investigation is important, and I do not think it would be objected to by those making the charges, or by those against whom they are made I understand that both sides are demanding an investigation, though I do not know what tribunal either party desires. I have had no communication either with the persons making the charges or the accused.

I can add, further, that I did not vote for the treaties under which the payments were made; it is unnecessary for me to state the reasons. But I

think it highly proper that the charges should be investigated. I am willing to leave the matter in the hands of any member of the Committee on Indian Affairs; and I hope the facts may be brought out, and the guilty persons punished, whoever they may be. Besides, this is a matter which is pending before this body. We must either dismiss it altogether, or proceed with the investigation. We cannot proceed, in my opinion, in any better mode than that proposed by the Senator from Wisconsin.

Mr. SEWARD. I know Governor Ramsay somewhat well. I cannot believe that the charges made against him are true. If I knew him less perfectly than I do, I should still hold myself bound to disbelieve them, until they were proved. But I quite concur with the suggestions of the two Senators who have last spoken. After the statement made by the Senator from Wisconsin, I do not know how the Senate can go by giving the committee power to send one of their number during the recess for the object proposed. The Senate is a part of the treaty-making power, together with the Executive, and has to take a part of the responsibility with regard to the care and guardianship over the Indian tribes. If these charges are all false, it is yet established in our history that there have been frauds practiced by Government agents upon the Indians, not surpassed in magnitude and in turpitude by these which are alleged in this case. I remember a treaty which was made with the Seneca Indians for the surrender of their reservation in the State of New York, which agitated the State and the nation for many years, and which was frequently under discussion in the Senate, for the purpose of deciding whether the treaty should not be abrogated on account of the frauds committed under it. It is due to the agents of the Government on all occasions, that when any responsible party shall submit charges against them, they shall have a full investigation. And it is not only necessary that they should have a full investigation, but a prompt one; for if not done promptly it will not be fully done.

If we suspend this investigation till the lapse of the recess of Congress, it is easy to see that it will go over altogether. The delay will amount to a postponement of the investigation of the charges until the subject becomes stale and obsolete. If it is done, and done promptly, there is no other way to do it but through the agency of this committee, and I do not see how the committee could exercise more discretion, more prudence, and more regard to economy than in the manner proposed by them. I trust one of their number will be sent to take the testimony upon which their report must be made at the next session of Congress. If it were any other case, I would not be so strenuous; but where the Indians are concerned, and where their abstract rights are involved, the case is a strong one. And it is much more so, because on the reputation of our good faith among the Indian tribes, we depend for peace and tranquillity upon our border settlements. I shall therefore very cheerfully vote for the resolution.

Mr. HUNTER. The Senators are arguing as if I objected to an investigation. The fact is quite the contrary. I believe that an investigation ought to be made, and that one will be made whether we pass the resolution or not. It is to the mode of investigation which is proposed in the resolution that I object. I think it is a matter for Executive inquiry, and not for a single Senator to conduct during the recess of the Senate. Nor do I know why it is that the Senator from Wisconsin should suppose that I have any personal reason for objecting to it. I have advanced none but public considerations, and public considerations, it seems to me, of weight. Sir, in what capacity is this single Senator to act in the recess when we have all gone away? Is he a Senator still in session during the recess, clothed with legislative powers? How is he to be paid? Who is to decide what he is to take? Is he to have *per diem* and mileage, no matter where he may go making the investigation? See the difficulties into which we shall be led if this practice be established.

But, again, this method of taking testimony in regard to a disputed question, whether it be conducted by a single individual or by a committee of the Senate sitting in the recess of Congress, it seems to me is not the fairest mode of proceeding. It is an immense power to be lodged in the hands of a committee, and still more in the hands of a single individual. When the committees of the Senate, or of the other House, sit making an investigation while we are in session, they sit in some measure under the correction of the House. If the investigation takes an improper direction, and the persons who are sworn to give evidence before them complain, there are means before the House of inquiring into their conduct, or giving some direction to it under the direction of the House itself; but when it is done by committees without any responsibility to the House, they have the whole power in their own hands, and it is an improper power. It seems to me that when we leave this place our legislative powers are gone, and that if inquiries are to be made, if commissioners are to be appointed to take testimony, they ought to be appointed by the Executive; and more especially does it seem to be proper in this case to leave it to the Governor of the Territory, who will be *ex officio* Superintendent of Indian Affairs. I have no personal objection to the appointment of any Senator who might be selected by the Committee on Indian Affairs; nor do I object to an investigation. I think there ought to be an examination; but I believe that we shall as certainly have one without the resolution as with it; and if we do not pass it, we shall have one appointed from the proper quarter—the Executive. I oppose the resolution because I regard it as a dangerous precedent. I see the practice to which it may lead hereafter in the appointing not merely of committees to sit during the recess, but of single Senators to act as commissioners to take testimony upon public matters in important cases.

Mr. WALKER. I cannot appreciate the force of what the Senator from Virginia says. The charges have been made to the Senate of the United States. You have imposed the duty on your committee of proceeding in the investigation of them. They have reached a point from which it would be unsatisfactory to both sides to decide upon them; for nobody is making the demand more strenuously for an examination than Governor Ramsay. He demands it. He says that he is innocent in the matter. We know nothing to the contrary. On the other side it is alleged that he is guilty. We have proceeded, as I before remarked, to a certain point in the investigation, and we cannot go further without the passage of the resolution. It is not that we are disposed to take any of the duties of the Executive on our hands, but it is that the committee may be enabled to discharge their duty to the Senate and to the parties, both of which are demanding that an investigation may be had. I would prefer that the committee should be continued to make the investigation, but I know what objections have been raised here to such propositions, on the score of expense. It was therefore thought by the committee best to ask the Senate to permit them to delegate one of their members, not to report on the subject, not to investigate it, but to go as it were and discharge the mechanical duty of taking down the words of the witnesses from their own lips, and then certify that the testimony taken down was properly taken.

Mr. HUNTER. Who will ask the questions? Who will conduct the examination? The commissioner?

Mr. WALKER. I suppose there will be written interrogatories in regard to the charges under consideration.

Mr. HUNTER. Is that a mechanical duty?

Mr. WALKER. Clearly. There will be interrogatories written by the man who will perform the manual duty, and the answers will be returned to the Senate.

Mr. HUNTER. Does the Senator mean that there are certain written interrogatories prepared by the committee?

Mr. WALKER. There have not been any directed.

Mr. HUNTER. Then the commissioner is to ask what questions he chooses.

Mr. WALKER. Suppose that is the case; I suppose if a man goes under the direction of the committee, he will go with honest intentions to get the facts of the matter, and if it is not so presumed let the Senate vote the resolution down, and say it will not trust one of its members. I presume that whoever is sent, will go with honest intentions to get the facts on both sides. If it becomes necessary for him to put questions to elicit the facts upon the charges, he is to do so; but it will not be competent for him to condemn or acquit anybody; he is only to report to the committee for its action, and by them report to the Senate, for the Senate's action in its legislative capacity. That is what is meant; and if the Senate is disposed to stigmatize the members of the Indian Committee as being incompetent to do what is often done by commissioners under a *dedimus protestatum*, let it say so.

Mr. HUNTER. Does the Senator charge me with stigmatizing the Committee on Indian Affairs in that manner? I do not object to that committee particularly; I object to such a power being given to any committee or individual.

Mr. WALKER. I make no charges. I speak warmly, but it is my nature—I cannot help it. I do not wish to be unkind. I wish every Senator of whom I speak, so to understand it, for sometimes when I am actuated by the kindest feelings, I may appear to speak too warmly, and even angrily. I do not mean to be understood as implying any unkind feeling to the Senator.

But upon the score of expense, it would be greater to send the entire committee to attend to the duty, although I would much prefer it. If it is desirable that two, three, four, or the whole committee be authorized to conduct the investigation, let it be so. But the committee, on considerations of economy, thought it would meet the views of the Senate more to ask that one of its members, as a kind of commissioner, should be delegated to take the testimony, to have it ready at the next session, so as not to draw the members of the Legislature of Minnesota or the Governor of Minnesota here; not to bring them from the extreme point of Minnesota to the seat of Government, but that they may give their testimony in Minnesota, where one individual can collect them, while they could not perhaps be collected here. All that is asked is, that their testimony may be taken in writing, to be brought here for the action of the Senate.

Mr. MALLORY. I would suggest whether if we confer the power upon a single member of the body to act as commissioner, he obtains any peculiar authority under it to compel witnesses to attend and give their testimony, and whether false swearing under such authority would be punishable as perjury or not? It is doubtful in my mind whether persons could be punished for false swearing under such circumstances. I question further whether it would not be eminently proper for us, if we confer the power on a single member to act in this manner, after the adjournment of Congress, to prescribe the mode of taking the testimony; how the oaths are to be administered; what form should be used; and whether parties interested should be competent witnesses or not; for in some States they are competent, and in others they are incompetent. It appears to me that the mere conferring of the power nakedly, in the way proposed, is not proper.

Mr. SEWARD. It seems to me, sir, that if we cannot trust a committee of this Senate with discretion to take testimony upon a question before them, we had better disband our committees and discharge them from service. If the Committee on Indian Affairs are incompetent to ascertain the rules and the practice of courts and of parliamentary bodies, in the investigation of cases, then they are fit for nothing; and we are quite as unfit as they, because we have called them to discharge this trust.

Mr. MALLORY. I would like to ask the Senator one question, and that is, as I suggested before, whether false swearing, in giving testimony before the individual who should be sent as a member of the committee, would be perjury or not? It is a question not as to whether the committee would be competent to take testimony; that is conceded; but whether you could punish an individual for false swearing in such a case.

Mr. SEWARD. I will answer the learned gentleman that I suppose perjury, under the laws of the United States, committed before any person authorized by the Senate of the United States to take testimony under oath, would be punishable. There is an act of Congress, as I understand, to that effect. It does not alter the case at all, whether

there be one or several persons empowered to take testimony. The Senate may delegate this power to one as well as to three or five. Then we come back to the question suggested by the Senator from Virginia, [Mr. HUNTER,] whether it is wiser and whether it is better and safer to refer, or leave this subject to the Executive, than to exercise the power ourselves. From the history of free institutions, from the history of Parliaments in England down to this day, we know that the duty of legislative inquiry into abuses in the Executive Department of the Government, has been one of the highest trusts reposed in the Legislature. It is the theory of the English Government; it is the theory of our Government.

Mr. HUNTER. I would ask the Senator if I have objected to legislative inquiry, or whether the objection has not been to continue using the power of the committee during the recess? I have admitted the propriety of legislative inquiry by the Senate.

Mr. SEWARD. I understood the Senator to say that he wished the resolution might not pass, because he anticipated an inquiry by the more appropriate authority, and that was the Executive.

Mr. HUNTER. More proper during the recess.

Mr. SEWARD. One word on that point. We have commenced the investigation; we have assumed the responsibility. It is legitimate. We have arrived at the adjournment, and we are unable, by reason of that adjournment, to prosecute the investigation to a close. Shall we suspend it for the purpose of resuming it again at the next session of Congress? No, because there will have been a delay which will be injurious. Then must we suspend, and trust that the Executive will take up and complete the investigation which we have commenced? But the Executive has no responsibility upon the subject; he has assumed none. I do not know that the subject has been brought before him. We could not calculate that the Executive would assume the responsibility unless we request him to do it. Now, if I were to choose the functionary to whom to delegate the power, and who would prosecute this subject with the greatest care and with the highest sense of responsibility, I should prefer the Committee on Indian Affairs to the Executive. It is true there might be abuses by the committee, and so there might be by the Executive. The person whom we delegate will be responsible to us at the next session, and he will be responsible to the public. What he does could not be done in secret. The very fact that he should attempt to do it in secret would be an impeachment of himself, which would forfeit his claim to the confidence of the people in the report which must come from him. He must act openly, for there will be witnesses, and if they have good ground to complain of his management of the subject, they will come here and complain. It seems to me we are throwing unnecessary difficulties in the way of this resolution, the only effect of which difficulties will be to delay the investigation of the case, which a regard for justice requires should be made soon.

Mr. BUTLER. There has been one question suggested in this discussion upon which I wish to say a word. What is perjury? What does it depend upon? Strictly, there is no such thing as knowing what perjury is by the laws of the United States, except by positive enactment. There are a good many acts upon the subject to say what is or what is not perjury. I know by express statute a committee of Congress has the right to administer an oath, but it is as a committee, *in virtute officii;* but when the committee is disorganized and a single member is delegated with the power, I do not believe there is any such thing in the law. I do not believe it is the contemplation of the statute, that the power can be conferred on a single person by the committee. I have no doubt that the honorable Senator from Wisconsin would perform the duty proposed by the resolution in good faith and with impartiality, but we know, Mr. President, how jealous parties are of having testimony taken with the right of examination and cross-examination. We know it is very much insisted upon by all parties; and we should guard this right of investigation by all the ordinary rules which have heretofore been observed. I say, with the honorable Senator from Virginia, that it is a very dangerous precedent to have this continuing power of the committees in the recess of the Senate. I objected very much to other committees being appointed, for the Senate sits long enough without them. I expect we will be in session all the year after awhile. I suppose this investigation will go on. If it is to go on perhaps it ought to be under the Executive authority. I do not know whether it could prosecute such a commission as you would impose the duty upon. I am not prepared to say, but I am perfectly certain that there is no such thing in the contemplation of the statute as a committee disorganizing itself and making one of its members do the business.

Mr. COOPER. I have not looked to-day at the statute, but I remember very well, in the other House, on one occasion, that I did look at the law on the subject, and I satisfied myself that under the authority given to a committee to investigate and send for persons and papers and take testimony, that a right to appoint a commissioner to take the testimony is given. In the case to which I allude, a commissioner was appointed three several times. The late Senator from Tennessee [Mr. BELL] was chairman of the committee at first. He issued a commission to a person in Nacogdoches, Louisiana, to take testimony. Mr. Adams was afterwards chairman. He continued the commission. At a subsequent period, I became chairman and issued a commission under the authority of that statute. This is my recollection of the statute, and I have no doubt that under it the committee will have the power to appoint a person to take the testimony.

Mr. CHASE. I have no doubt that a committee during the sitting of the Senate can authorize its members to take testimony; but the difficulty which strikes my mind is this: The Committee on Indian Affairs is a committee for this special session. It can exist only during this session. After the adjournment of the Senate, there can be no Committee on Indian Affairs. If it cannot act itself beyond the session, it can communicate no power to anybody else to act. It seems to me that view of the subject is conclusive.

In regard to this general system, if the Senate is indisposed to go into this business of examinations through the medium of its own members sitting during the recess, now is the very time to indicate its determination to discontinue that practice. The Committee on Indian Affairs is constituted of some of the ablest and most distinguished members of the Senate; it is a committee in which the Senate reposes entire confidence, and everything they may do either in conducting the examination or delegating it would meet the entire confidence of the Senate. There can be no ground for the slightest distrust of the committee. If, then, we have a committee so intelligent, so deserving of confidence as that, it is with that very committee we should begin, for there can be no suspicion whatever of any motive of distrust.

Now, sir, is the practice itself right? The President of the United States is charged with the executive conduct of our public affairs under the law, and by and with the advice and consent of the Senate he appoints the Commissioner of Indian Affairs. That is a bureau by itself in this Government. That bureau and the President himself will undoubtedly find their attention attracted by the subject which has engaged the attention of the Committee on Indian Affairs. The law has confided this whole subject to the President and to the bureau. Shall we withdraw it from their hands? Is it wise to divide the responsibility of the Executive department of the Government? It is true, as it is said, that the Senate advises the President. That is undoubtedly correct; but we advise the President upon matters submitted to the Senate. We do not volunteer advice to the President; much less ought we, it seems to me, to originate and conduct an investigation by ourselves, or when the Senate is not in session, which belongs especially to the Executive department of the Government. Our committees look to the Executive department of the Government for advice and instruction. There are the sources of evidence in a great measure. There the evidence may be collected from the testimony of witnesses before them. It seems to me it would be indiscreet, to say the least of it, to assume through the Senate any part of the duties which belong to the Executive. I should greatly prefer to leave the whole subject with the President and his Commissioner of Indian Affairs; and I feel confident that they will give to all parties a fair and thorough investigation, and that at the next session, if we desire information, we can obtain it in the ordinary way from the Department.

Mr. WALKER. I wish to say a word or two with reference to the point raised by the Senator from South Carolina with regard to the examination and cross-examination of witnesses, and to state that the committee on Indian Affairs have taken that very course. They have presented interrogatories, and have had a cross-examination of witnesses in order that the facts might be elicited.

In reference to what was said by the Senator from Ohio, if I understand the organization of the committees of the Senate, which is a perpetual body, they hold their appointment until they are superseded. Certainly we shall proceed at the next session to appoint new committees; and if not then, those now appointed will continue. Such has always been my apprehension of the matter. Some gentlemen say "No."

The PRESIDING OFFICER. The rule is that the committees "shall be appointed at the commencement of each session."

Mr. WALKER. So I understand; and a committee appointed at this session exists until one is appointed at the next session. And now what is proposed by the resolution is simply to authorize one of our committees to delegate one of its members to proceed, during the time for which it is constituted, to procure testimony for the action of the body at the next session.

Mr. ADAMS. I voted at the last session against the creation of various committees to be authorized to sit during vacation. I then doubted the propriety of such a proceeding, though I have no doubt of the power of the Senate to appoint a committee of its own body to obtain information when a proper case is presented for its consideration. I understand it to be the duty of the President of the United States to see that the laws are faithfully executed, and the duty of the legislative body to see that proper laws are passed; and if this body discovers a deficiency in the information in relation to our legislative duties, and we can obtain that information by a committee of our own body better than in any other way, I have no doubt of the propriety of appointing a committee. Then the whole question, in my mind, in reference to the proposed committee, is as to the importance of the information. Charges have been made against a public officer. He is amenable by impeachment to this body. The House of Representatives has as much interest as the Senate has in relation to the performance of his duties by that officer. The duty is devolved upon the President of the United States to see that the laws are faithfully executed. If there is any action desired to be taken by this body, I have no objection to taking the proper means to obtain information. My principal object in rising is to propose an amendment. If it is desirable—and I know it is desirable to the whole country—that correct information should be had in reference to this alleged fraud, I would suggest that a small difference in the compensation and expenses should not be looked to. Therefore I move to strike out "one" and insert "three," so as to have a committee of three appointed to take the testimony; and then whatever may be the sense of the Senate as to the propriety of appointing a committee, I have no choice in reference to it.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) The Chair would suggest that the amendment should be put in a different form. The resolution is that the Committee on Indian Affairs delegate one of their number to perform the duty.

Mr. ADAMS. I move to strike all that out, and make it read, that a committee of three be appointed by the Presiding Officer to perform the duty.

Mr. HUNTER. Here are two laws in relation to the power of committees to administer oaths. They have been handed to me, and I desire to refer to them. The first is the law of May 3, 1798, which provides "that the President of the Senate, 'the Speaker of the House of Representatives, the

'chairman of the Committee of the Whole, or the 'chairman of a Select Committee of either House 'shall be empowered to administer oaths or affirmations to witnesses in any case under their 'examination." The next is an act to extend the provisions of that act. It provides "that the 'chairman of any standing committee, either of 'the House of Representatives or of the Senate 'of the United States, shall be empowered to administer oaths or affirmations to witnesses in any 'case under their examination, and any person 'who shall be guilty of perjury before such committee, shall be liable to the pains and penalties 'prescribed for the punishment of the crime of 'willful and corrupt perjury." So that the power is expressly confined to the Presiding Officers of the two Houses, and the chairmen of committees.

Mr. TOUCEY. I am not satisfied to vote for this delegation of power by a committee. I am not satisfied that the delegate of the committee would have any power whatever to compel the attendance of witnesses. I am not satisfied that if the oath was administered and violated, that the party could be indicted for perjury. And if a witness were to refuse to answer an inquiry of the delegate, I do not think there would be any power to commit him for his refusal to answer. If, therefore, I were in favor of committees sitting during the recess of Congress, I should still be opposed, for the reason that I have suggested, to a committee organized in this manner.

But, sir, it is made the duty of the President of the United States to see that the laws are faithfully executed, and treaties are the supreme laws of the land. It is therefore his duty, under the Constitution, to make the inquiry, and there is a bureau of the Executive department, to which that inquiry properly belongs. I am not satisfied either that there would be any evil arising from the delay. We shall not be here until the next session of Congress to take advantage of any information which the committee may obtain. The next session will be the long one, and if this is an investigation which ought to go on, and if the Executive departments shall neglect to make the investigation, we shall then have the power in season for any action to make the inquiries, before we, in this body, or the members of the other House, could act upon any information which might be obtained by this mode of investigation which is proposed. I hope, therefore, the whole inquiry will be suspended until we meet again.

Mr. PETTIT. It seems to me that it is due alike to the Senate and to the accused, Governor Ramsay, that this investigation should go on at the earliest day. It is all true that it may go on at the next session, which will be the long session; but there will be nothing done during the first months in the winter, and laboring in the summer will be rather an unpleasant and wearisome undertaking, besides the difficulty of dragging witnesses from Minnesota here to give their testimony, when two or three men might be sent there for the purpose of taking the testimony. If Governor Ramsay is innocent, as I trust it may turn out he is—and I do not pretend to speak on that point at all—as an honorable man I ask for him that the Senate shall take the most prompt and efficient means for having the charges investigated. If he be innocent, and has been falsely charged, why continue to have him held up to the gaze of the world for a year as a villain and that of the worst kind? He is demanding the investigation. It is due to him that he should have it at our hands. Sir, there can be no difficulty in detailing one member of that committee or the whole of them for the investigation.

Mr. CHASE. The Senator from Indiana has said that Governor Ramsay has demanded an investigation. Has he addressed any communication to that effect?

Mr. PETTIT. He has not addressed any communication to me.

Mr. CHASE. Has he addressed any communication to the Senate?

Mr. PETTIT. I have not seen any. I took the word of the Senator for the statement. It seems to me that we ought to have the investigation so as to settle the question whether he is guilty or not. If he is innocent he ought to have it on his own account; and we ought to have it if he is guilty.

I know Governor Ramsay well. I formerly served with him in the other House. Whether he be guilty or not I am not prepared to say, having had no connection with this matter; but while serving with him in the other House I regarded him as an honorable man. I hope and trust it may turn out that he has remained so. But if he be an honorable man, he asks this examination, and it is due from the Senate, or any public body having the power, to make the examination promptly and speedily, that it shall be made. Why hold him up, I say, a long year, and more than a year, to public scorn, ridicule, and the denunciations of the papers all over the country, when we have the power to prepare the way for his punishment or relieve him from suspicion?

To obviate the difficulty suggested by the Senator from Virginia, who believes that there is some doubt about the authority of the delegate of a committee to administer oaths, or the punishment which would follow in the event of a violation of the oaths, I will move to amend the resolution so as to make it read that a committee of three shall be appointed.

The PRESIDING OFFICER. An amendment is already pending for that purpose, offered by the Senator from Mississippi.

Mr. PETTIT. I was not aware of that. I will say one word in reference to it. If the Senate appoint such a committee, there can be no doubt of the authority of that committee to administer the oaths, to progress with the investigation, to do justice to the party accused, and to do justice to the country. It is idle to talk about the miserable paltry sum which it will cost. Suppose you should pay the per diem and mileage of three members of Congress; suppose you should pay the mileage to Minnesota or elsewhere in the country, wherever it shall be necessary, and the regular per diem during this vacation, what great sum would it be at last? Sir, is it to be weighed in the balance at all with the administration of public justice, with the investigation of charges of large peculation and wrong? Is it to weigh for a moment in the balance against the character of an honorable man, which is put in jeopardy in this manner? It ought not for one moment. I hope, to put the question beyond any doubt as to the authority to administer the oaths, and their binding effect, that a committee of three will be raised. I believe it will be better to intrust the power to such a committee than to one person. It is a large power to delegate to one man, I grant. Let there then be a committee of three appointed. I insist, at any rate, that the investigation shall go on. The honorable Senator from Wisconsin having been the mover of the resolution, would, in all probability, if the resolution as he introduced it should pass, be detailed by the Committee on Indian Affairs to make the investigation; and I take great pleasure in saying, that having known that gentleman since our early youth, having long since formed an acquaintance, I might well say from boyhood, I take pleasure in saying that I do not believe such a duty could be confided to more faithful, efficient, or honest hands. I trust, however, the resolution will be so amended as to appoint a committee of three, in order that there may be no doubt about the power.

Mr. BUTLER. If we are to go on with the investigation proposed by the honorable Senator from Wisconsin, and which seems to be insisted upon by the Senator from Indiana, it does seem to me that three Senators are the very last persons who ought to be employed to make it, because Governor Ramsay—about whom I know nothing—is amenable to the Federal Government for his acts, and he must be amenable through the ordinary mode in which all public functionaries are amenable, that is by impeachment from the House of Representatives. And, sir, in that point of view we are the judges; and are the judges of the accused to send out their own committee to collect testimony? That would be, in a fair contemplation of our duties, a paradox. I do not know what use we could make of the information if we had it. Could we impeach the accused? All we could do would be to acquit him. If it became necessary for us to decide upon his guilt, this would be an improper mode of proceeding. I make this suggestion, therefore, that if any information is to be acquired, it ought not to be acquired through a committee of Senators. It ought to be acquired through a committee of strangers; and even if the House of Representatives sent its own committee, it ought to send it as a prosecuting committee with a view to an impeachment. I shall decidedly oppose the raising of the committee of three Senators.

Mr. MASON. I move that the further consideration of the subject be postponed until to-morrow.

The motion was agreed to.

EXECUTIVE BUSINESS.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

Mr. BORLAND moved that the Senate adjourn; which was not agreed to.

ADJOURNMENT OVER.

Mr. SEWARD moved that when the Senate adjourn, it be to meet on Monday next.

Mr. HOUSTON. I hope, Mr. President, that that will not be done. I am satisfied that the effect of that would be, that when we assemble on Monday there will not be a quorum here. I shall have to ask the yeas and nays on the motion.

The yeas and nays were not ordered.

Mr. HOUSTON. I will merely suggest, before the question is put, that if we adjourn over until Monday, and then find ourselves here without a quorum, we can then only adjourn from day to day, and shall consequently have to sit the remainder of the year.

Mr. MASON. If the business before the Senate is to be acted on, it is necessary that we should remain here until it is finished. We have now but a bare quorum, and many gentlemen have told me that they are obliged to leave the city. I am not one of those who will leave. Although it is a very great inconvenience to me to remain here, I submit to it, and I intend to sit here from day to day until we finish the public business.

Mr. PHELPS. Permit me to say, Mr. President, that I do not see anything to be gained by adjourning over until Monday. We are certainly not so overburdened with business that we need to sit more than two days, and I think we had better finish it this week. I agree with my friends over the way, that if we adjourn until Monday we shall never get a quorum again.

Mr. CHASE. I will remark that to-morrow is Good Friday, and I think respect enough is due to the wishes of those Senators who desire to keep that day to induce the Senate to adjourn over. I will therefore suggest to my friend from New York to agree to a compromise, and modify his motion so as to adjourn over until Saturday instead of Monday.

Mr. BADGER. It seems that we have got the Senator from Ohio in favor of a compromise at last. [Laughter.]

Mr. SEWARD. If the honorable Senator from Ohio goes for a compromise, I believe I must give up too. I accept his proposition, and will modify my motion so that when we adjourn it be to meet on Saturday, at twelve o'clock.

Mr. BORLAND. I move that the Senate now adjourn.

The question being then taken, upon a division there were—ayes 10, noes 16; so the Senate refused to adjourn.

Mr. BORLAND. Although the Senate has refused to adjourn, I think it is pretty clear that we can do no other business; for there is not a quorum present.

Mr. SEWARD. I hope the question will be put on my motion.

Mr. BORLAND. I do not believe that is in order when there is no quorum; but I will ask the yeas and nays upon it, at any rate.

The yeas and nays were not ordered.

The question being then put on the motion that when the Senate adjourn it be to meet on Saturday next, on a division there were—ayes 17, noes 9; no quorum voting.

Mr. BRIGHT then moved that the Senate adjourn; which was not agreed to.

Mr. PETTIT. I move that when the Senate adjourn it be to meet at twelve o'clock on Monday next.

Mr. BORLAND. I will suggest that that motion is not in order unless there is a quorum present.

The PRESIDING OFFICER, (Mr. Cooper in the chair.) In the opinion of the Chair the motion is in order.

Mr. HUNTER. I hope my friend from Indiana will not press that motion that we shall adjourn over until Monday; for I think we can employ our time here upon nominations and treaties.

Mr. PETTIT. At the request of my friend from Virginia, I withdraw the motion.

Mr. CHASE. I think we have no such business before us as to require us to sit to-morrow, at any rate. All that remains is nominations, which can be dispatched without delay, when they shall be sent in, judging from the unanimity which has prevailed in the consideration of our business thus far.

Mr. HOUSTON. Some new question may spring up.

Mr. CHASE. If we are determined to go through with our business we can do so. All that is before us could be finished to-day, if necessary. But what would be the necessity for that? We know that there are communications yet to be made by the Executive, which we shall not receive until next week, and which prevent our adjourning. We cannot with propriety adjourn until we receive an intimation from the President that he has no further communications of an Executive character to send to us. Why not, then, adjourn over until Monday? I can see no reason why we should not do so; and I therefore renew the motion that when we adjourn it be to meet on Monday next.

Mr. HUNTER. I will say that if we adjourn to-day to meet on Monday next, the result will be that we shall have to sit all next week, and perhaps the week after. It is very doubtful whether we should have a quorum.

Mr. BADGER. Mr. President, I have been here every day from the beginning to the end of our sitting; but while I am willing to come here, I am not willing to be dragged here upon days when I do not feel inclined to come, and when it is very evident there will be no quorum here.

Mr. HOUSTON. I have not the least disposition in the world to embarrass gentlemen who have different views from my own with regard to this matter. I am perfectly willing to sit here until we get through with every particle of the business before us. I am even willing to listen to the debates that may incidentally grow up on various topics; but I will repeat what I said before, that if we adjourn over until Monday, there will not be a quorum in the body for the transaction of business. I do not care about making sixteen dollars and rendering no service for it; I would much rather be on my way home. It seems to me, Mr. President that we are trifling with our duties here, when we are pretending to be in session, and yet adjourn over two or three days at a time. There is nothing in that which I can see that is very beneficial to the country, or creditable to ourselves. I wish to test the sense of the Senate on this subject; and it gives me great pleasure that there is not a quorum present on this occasion, so that no motion can be entertained except a motion to adjourn.

Mr. BRIGHT. Mr. President, it is manifest to me that it would expedite business to adjourn over until Saturday. The suggestion is made that we shall have no quorum until some business is transacted at the other end of the avenue. Why have we no quorum? It is because gentlemen feel compelled to go to the other end of the avenue to attend to important business. If the Senate should adjourn over, we can have an opportunity to-morrow to attend to the pressing business which has accumulated upon our hands, and thus we could enable the Executive to prepare business for us to dispose of here on Saturday. I think that for this reason it would really be a saving of time if we should adjourn from now until Saturday at twelve o'clock.

Mr. CHASE. I wish to say, in relation to the remarks which have fallen from the Senator from Texas, [Mr. Houston,] that no one is more ready than I am to sit here and dispatch the business with which we are intrusted. If we could dispose of the whole business of the session so as to adjourn to-morrow, it would afford me very great pleasure. I am exceedingly anxious for adjournment—no one is more so; but gentlemen should remember what is the condition of the public business. We know that the Executive expects during the next week to send in further communications, which will require our action.

Mr. FISH, (in his seat.) How do we know that?

Mr. CHASE. I will inform the gentleman that I have heard it stated by Senators who are presumed to know. I thought it was well known. At all events, Mr. President, this is an Executive session. It is not usual, at sessions of this character, to adjourn until some intimation is received from the Executive that he has no further communication to make. No such intimation is in the possession of any Senator; but, on the contrary, the Executive has intimated his intention of transmitting further communications to us. If, then, there is business which will require us to be here next week, why refuse to adjourn over? Shall we expedite the public business by coming here? I think not. We cannot certainly transact all the public business that is before us in two days; for we have these nominations yet to come. We then accomplish nothing by coming here, in the way of expediting the public business, but we merely embarrass those Senators who have engagements for their constituents at the other end of the avenue, and we shall also embarrass those Senators who, in consequence of the character of the day, may not wish to attend here to-morrow. Under these circumstances, I hope the honorable Senator from Texas will withdraw all opposition to adjourning over. I would go as far as he would to expedite the business of the Senate and to bring about an early adjournment; but I cannot see that our meeting here to-morrow would tend, in the slightest degree, to produce that result. The gentleman says we shall not have a quorum if we adjourn over; but, sir, I cannot believe that any Senator would absent himself, while the public business requires his presence here, without some good reason.

Mr. HOUSTON. I am sorry, Mr. President, that I cannot agree with what my friend has said in relation to the transaction of business at the Departments. If the object is to aid the President in making his nominations, or to aid the Departments, we ought to sit here day and night, so as to give them an opportunity to do something. If the Senate adjourns over they will not be able to do a single thing; and it is in mercy to them that I want to sit. It would be better if we should sit day and night, because that would relieve them in some degree, from importunity, and give them a chance to do something. I want to give them a little rest, so as to enable them to come to some conclusion; but if Senators are bent on this thing—if it is the general wish that the Senate shall be turned loose upon the Departments to-morrow—I do not know as it will avail much for me to oppose it. Perhaps they would better have one day than take to-morrow and Saturday both, and I am somewhat inclined to yield to the suggestion of the Senator from Ohio, and consent to the Senate's adjourning over till Saturday; and then, if any gentlemen wish to keep Good Friday, they can have an opportunity. I believe I will not object to that, but I cannot give them more than one day.

Mr. CHASE. I will modify my motion, then, so as to adjourn until Saturday instead of Monday.

Mr. MASON. Mr. President, I would agree to this arrangement which the Senator proposes, if I were not convinced from our experience yesterday and to-day that we shall not be able to get through the public business unless we sit from day to day. The business which we have before us of an Executive character occupies very little of our time; but it is principally taken up in debating subjects that have run over from the last session; that was the case yesterday, and it has been the case again to-day, and now we are told that we cannot get through until next week. I shall be obliged to resort to all parliamentary means to prevent the motion of the Senator from Ohio from being adopted.

Mr. BUTLER. I will answer for it that we could get through with all the nominations the President would send to us in this week; and we could let the treaties rest until the next session.

Mr. BADGER. I will suggest to the honorable Senator from Virginia [Mr. Mason] that we shall accomplish nothing in the world by meeting to-morrow. No business can be done. I scarcely ever absent myself from my place; but I shall not be here, for one, and he may depend upon it that there will be no quorum.

The question being then taken on the motion of Mr. Chase, on a division there were—ayes 20, noes 7; no quorum voting.

Mr. MASON then moved that the Senate adjourn; which was not agreed to.

Mr. PETTIT. I now renew the motion that when the Senate adjourns it be to meet on Monday next at twelve o'clock.

The question being taken, on a division there were—ayes 19, noes 8; no quorum voting.

Mr. HOUSTON. I wish to ask whether it is according to the rules for a member to vote on both sides of the same question?

The PRESIDING OFFICER. No, sir; it is not.

Mr. HOUSTON. Well, sir, that has been done here; but there did not appear to be a quorum after all, so I will let that pass. I will now move that when we adjourn it be to meet on Saturday; and in making that motion I desire to say that there is no probability that we shall finish the business of this session until the middle of next week, or perhaps later than that; but it seems to me that by Thursday or Friday of next week we shall be able to get through with our business. We are called together by the Executive to attend to important public business, and I trust that Senators will not absent themselves so as to leave us without a quorum.

Mr. BADGER, (in his seat.) I am afraid they will.

Mr. HOUSTON. Well, sir, I am afraid they will; but at the same time I hope they will not. If we shall be under the necessity of remaining here until the middle of next week, there will be nothing gained by sitting to-morrow, since, for various reasons, some of which have been adverted to, it is obviously the sense of nearly the whole body to adjourn over until Monday. I wish, therefore, to suggest to those Senators who resist this proposition, and who are very desirous of transacting our public business as fast as possible, that it can hardly be expected that we should facilitate the transaction of public business by a policy which leads us to resist the will of nearly the whole body. On this ground I have given way to the extent of allowing them to-morrow, and I hope they will consent to sit on Saturday. I submit that motion, that when we adjourn it be to meet on Saturday.

Mr. PETTIT. I hope we will either adjourn to meet to-morrow or adjourn over until Monday. Let us adjourn over for two days or none.

Mr. MASON. I have resisted until I find it is useless to resist any longer, and although I am still of the opinion that we ought only to adjourn from day to day, I will not resist the will of the Senate to adjourn over until Saturday.

The question being then taken on the motion of Mr. Houston, on a division there were—ayes 21, noes 2; no quorum voting.

Mr. BUTLER. There are some gentlemen who did not vote, and perhaps if they should all vote there would be a quorum.

The PRESIDING OFFICER. There are not enough to make a quorum.

Mr. BRIGHT. I move that the absentees be sent for. We have been sitting here at work all day, and it is no more than right that those members who are absent should be requested to attend.

The PRESIDING OFFICER. It is moved that the Sergeant-at-Arms be directed to request the attendance of absent members. Are Senators ready for the question on that motion?

Mr. WELLER. I move that the Senate now adjourn.

The motion was not agreed to.

Mr. PETTIT. I withdrew one motion which I made in order to gratify my colleague and other gentlemen, and I hope he will withdraw that.

Mr. BRIGHT. Certainly; I withdraw it.

Mr. PETTIT. I now move that when the

Senate adjourns it adjourn to meet on Monday next.

Mr. WELLER. I call for a division on that question.

The PRESIDING OFFICER. It is perfectly idle to put the question when it is known that there is not a quorum present.

Mr. PETTIT. Perhaps there is a quorum now.

The PRESIDING OFFICER. The Chair will inform the Senator that there is not a quorum; there are but twenty-four Senators in the Chamber.

Mr. PETTIT. There may be others in the ante-rooms.

Mr. BRIGHT. I renew the motion that the Sergeant-at-Arms be directed to request the attendance of absent members.

The motion was agreed to.

Mr. SEWARD. I hope the motion of my friend from Indiana, that when we adjourn it be to meet on Monday next, will meet the concurrence of the Senate; and I wish to make an appeal to the honorable Senator from California, [Mr. WELLER,] and to other Senators who resist that motion, by stating that, while I am perfectly willing, and am determined to remain here so long as the public business shall require, if it be all next week, to the sacrifice of all engagements elsewhere, and while I am willing to meet to-morrow and next day, if it be necessary, yet it must be apparent that the Executive business for which we are convened is not in such a situation as to require our attendance here on to-morrow and the day after. We shall have time enough after it shall be prepared and brought before us to act upon it; and as we all have some business connected with our official trusts here which we cannot do at our regular sittings, I think some opportunity should be allowed for that, instead of requiring us to be here at a time when we can do nothing. Under these circumstances, I trust the honorable Senator from California will withdraw his opposition, and allow us to adjourn over.

Mr. BUTLER. So far as regards the termination of this session, it depends entirely on the communications from the President; and whether we meet to-morrow, or on Saturday, or not until Monday, makes not the least difference so far as that is concerned. I think if we should adjourn from now until Monday, we should do just as much business; and if we sit every day, we shall do just as little. Why, then, should gentlemen so strenuously adhere to their determination to force us to adjourn from day to day? The session terminates, as a matter of course, the moment the President sends a message here that he has no further communications to make and we confirm all the nominations. It will not close until then; and in the mean time I think it is the duty of gentlemen to attend here in their seats, and not go to the Departments and stay until about four o'clock, and then come here at the time when we want our dinners, and call for a division on questions in order to defeat the will of the majority of the body.

Mr. WELLER. Mr. President, I take it for granted that the honorable Senator from South Carolina alludes to me in his concluding remark, and I deem it proper to make an explanation. So far from having business at the Departments which detained me from my seat, I had a constituent, a California gentleman, who was fortunate enough to get married to-day, and having selected me to back him upon that occasion, I was constrained to absent myself from my place here. No public business could have induced me to leave the Senate; but when private business, involving a question of such an interesting and delicate nature calls me away, I know that my gallant friend from South Carolina would be the last man to complain of my absence. I will say, furthermore, that whenever he shall be so fortunate as to get a lady in the same condition—I mean in a condition to consent to matrimony—it will afford me great pleasure to back him also. [Laughter.]

Mr. BUTLER. I will promise my friend from California the same thing; and I think there is a better prospect of his needing my services in that respect than of my needing his. [Laughter.]

The question was then stated on the motion of Mr. PETTIT, that when the Senate adjourns it be to meet on Monday next.

Mr. MASON. The Senate has just made an order to send for absent members. In this state of business, a motion to adjourn is in order, but not a motion to adjourn until a future day.

The PRESIDING OFFICER. In the opinion of the Chair a motion to adjourn to a future day is in order. The motion was made, and the question has not been put.

Mr. HOUSTON. The Senate can only adjourn from day to day without a quorum; the rule so declares.

The PRESIDING OFFICER. The Chair understands the rule very well; but there is no motion to adjourn.

Mr. WELLER. I make that motion now.

The motion was not agreed to.

Mr. WELLER. I can only say that there are some very obstinate men here. [Laughter.]

Mr. PETTIT. I move that when the Senate adjourns it be to meet on Monday next.

Several SENATORS. That motion is not in order.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The Chair decides it to be in order.

Mr. MASON. I am very reluctant to differ from the judgment of the Chair in any respect, but I am satisfied that the motion just made is not in order. I shall be compelled to appeal from the decision of the Chair on the question of order.

The PRESIDING OFFICER. The Chair will state the question. A motion was made by the Senator from Indiana, that when the Senate adjourns it adjourn to meet on Monday next. The Chair entertained the motion. The Senator from Virginia appeals from the decision of the Chair in entertaining that motion. The question now before the Senate is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. BRIGHT. I will say, with due deference to the opinion of the Chair, that it is manifest to my mind that the Chair is in error. The Chair will see what the effect will be, from the appeal which has been taken by my friend from Virginia. When the question is put, "Shall the decision of the Chair stand as the judgment of the Senate?" a division will be called, and there is no quorum.

The PRESIDING OFFICER. That we do not know; that question remains to be decided whether there will be a quorum when the question is put on the appeal.

Mr. BRIGHT. The proper motion, then, with due deference to the decision of the Chair, is to suspend the order requiring absent members to be sent for.

Mr. MASON. When the Senate ascertains officially that there is no quorum present, of course the order continues in force to send for absent members; but as soon as there is a quorum any motion will be in order.

The question was then again stated on the appeal, and Mr. BRIGHT called for a division.

Mr. WELLER. I will propose a compromise. We have no quorum here; that is evident. Some Senators want to adjourn over till Monday, and some want to adjourn only till to-morrow. I therefore propose, as a compromise, that we adjourn over until Saturday.

Mr. BRIGHT. I object to any compromise.

The question being then taken on the appeal, on a division, there were—ayes 15, noes 4; whereupon the Chair announced the decision as sustained, and the question recurred on the motion that when the Senate adjourns it be to meet on Monday.

Mr. HUNTER. It is useless to be consuming our time in this way, when there is not a quorum present, and I therefore move that we adjourn.

Mr. PETTIT called for a division; and the question being taken, there were—ayes 9, noes 12; so the Senate refused to adjourn.

Mr. STUART. I hope the motion to adjourn over will not be renewed until there is a quorum here. Let us have a quorum first, and then vote afterwards.

Mr. HOUSTON. There is not much prospect of that. Instead of increasing the number of Senators present, the longer we sit the more our numbers are diminishing. We have just got rid of several more, and I think we might as well adjourn and meet to-morrow, unless some gentlemen can give some good reasons for persisting longer in the motion to adjourn over.

Mr. PETTIT. I will gratify the Senator from Texas by giving some reasons. The reason which influences me is this: I am satisfied that we shall do no business to any valuable purpose, either to-morrow or the next day. To-morrow is what is called Good Friday. I never knew a good Friday yet, and I hope that to-morrow will be a good one at any rate. It was always "hangman's day" with me. In addition to that, many Senators have important business to transact at the other end of the avenue, and I hope we shall adjourn over for two days in order to give them a chance to attend to it. I am satisfied that we could not get a quorum if we should undertake to meet to-morrow or on Saturday. These are some of the reasons why I think we should adjourn over until Monday, and I make that motion.

Mr. HOUSTON. The suggestion presented by the remarks of the honorable Senator has some weight. I believe, after all, it will be well enough to turn the whole Senate loose upon the Departments, and then we can all have a fair chance. I think some of our members are rather getting the advantage of us by staying away when we are sitting here; and I will relent, sir, and agree to adjourn over till Monday. [Laughter.]

The question being then taken, Mr. WELLER called for a division; and upon a count, there were—ayes 14, noes 5; no quorum voting.

Mr. HUNTER. We have no means of compelling the attendance of absent members. We tried that during the last legislative session, one night when there was a great necessity for the appearance of a quorum, and at last we were forced to adjourn because we could not compel the attendance of absent members under such rules as we now have. We cannot do it on this occasion, and the motion to adjourn over cannot prevail for want of a quorum. I hope that we will adjourn.

Mr. BADGER. I move that we now adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 12; as follows:

YEAS—Messrs. Badger, Borland, Bright, Butler, Evans, Everett, Hunter, Mallory, Mason, Phelps, Shields, Smith, Thompson of Kentucky, and Weller—14.

NAYS—Messrs. Atchison, Bayard, Chase, Cooper, Dodge of Iowa, Fish, Jones of Iowa, Pettit, Seward, Stuart, Sumner, and Toucey—12.

So the motion was agreed to; and, accordingly, The Senate adjourned.

FRIDAY, *March* 25, 1853.

The PRESIDENT called the Senate to order at a quarter past twelve o'clock.

Mr. ADAMS submitted the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint a reading clerk, whose duty it shall be to attend in the Senate and assist the Secretary, and to do such duties when the Senate is not in session as the Secretary may require; and he shall receive per annum out of the contingent fund of the Senate, the same salary as the Chief Clerk of the Senate.

The PRESIDENT. The Chair will suggest that there is no quorum present. The rule requires him to wait a reasonable time for the appearance of Senators; and fifteen minutes, in the opinion of the Chair, is a reasonable time.

Mr. SEWARD. I move that the Senate adjourn.

Mr. ADAMS. In order that we may have a certain count, I will ask for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 13; as follows:

YEAS—Messrs. Atchison, Benjamin, Butler, Cooper, Evans, Hamlin, James, Norris, Pettit, Seward, Smith, Sumner, Toucey, and Wright—14.

NAYS—Messrs. Adams, Atherton, Dodge of Wisconsin, Everett, Fitzpatrick, Gwin, Hunter, Mason, Phelps, Stuart, Thompson of Kentucky, Walker, and Weller—13.

So the motion was agreed to,
And the Senate adjourned.

SATURDAY, *March* 26, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. THOMSON, of New Jersey, who has been absent a few days in consequence of a domestic affliction, resumed his seat this morning.

NAVAL DEPÔT IN NORTH CAROLINA.

The following resolution, submitted by Mr. BADGER on the 17th instant, was considered and agreed to:

"*Resolved*, That the Secretary of the Navy be directed to inquire whether it will not be advantageous to the Government of the United States to establish a naval depôt at Beaufort in North Carolina, and report to the Senate at the next session."

REPAIRING CAPITOL ROOMS.

The following resolution, submitted by Mr. JONES, of Iowa, on the 7th instant, was considered and agreed to:

Resolved, That the Secretary of the Senate pay the amount which may be allowed by the Committee to Audit and Control the Contingent Expenses of the Senate, for the expenses incurred during the last session, in repairing and fitting up for use two rooms in the basement of the Capitol.

PURSER WELCH.

Mr. COOPER. In the course of the examination before the committee of which the Senator from Texas [Mr. HOUSTON] was chairman, the committee appointed to investigate certain charges of fraud, there was some testimony given in relation to Purser Welch, by the late Secretary of the Navy. In that testimony, there was a single word which seemed to reflect upon Purser Welch. The committee has closed its labors and made its report; the testimony which I hold in my hand, cannot therefore be made a part of the report of the committee; but, in justice to the individual against whom there seemed to be some implied censure, I desire that the note of Mr. Kennedy, the late Secretary of the Navy, explaining his testimony, may be read, so that it may go upon the Journal.

Mr. BORLAND. Before that letter is read, it is proper for me to say, that in the investigation of what were considered abuses, in the practices in Washington, with regard to getting bills passed through Congress and obtaining the payment of claims from the Government, the testimony of the late Secretary of the Navy, (Mr. Kennedy,) contained expressions which seemed at first to reflect unfavorably upon the conduct of Purser Welch, of the Navy. The committee in examining that case, however, came to the conclusion that Purser Welch had done nothing culpable in itself, nor designed to do so. The letter which is now offered, confirms that view of the committee, and explains more fully some of the expressions used in giving the testimony before the committee. It was brought to me yesterday by Purser Welch, with the request that it should be incorporated in the report of the committee; which would have been done, had not the committee reported and been discharged from further duty. I think it is but just that this public notice should be taken of the testimony of the late Secretary of the Navy.

The letter was read as follows:

BALTIMORE, *March* 24, 1853.

DEAR SIR: In my testimony before the committee of the Senate in reference to the moneys which were collected by Purser Welch from the officers and crews of the Vincennes and Vandalia, as compensation to be paid for the procurement of the California law, passed at the first session of the last Congress, I took occasion to say that I was convinced, from my examination of the case, that Mr. Welch had no pecuniary interest in the transaction. I regarded his agency in the matter as reprehensible only for the effect such a practice might have on the character of the service and one which might lead to great abuses, and therefore as one that ought to be checked in future. I am persuaded that he acted in this affair solely from motives of friendship and without due consideration of the hazard to which it might expose him of being misrepresented and censured for his participation in it. I told him this in my interviews with him, and I was strongly impressed by everything that occurred at these interviews that he was entirely free from any other share in the agency than that of a disinterested purpose of serving a friend.

I make this statement with a view to guard Mr. Welch against any inference that he had any other concern in the transaction than that which I have mentioned; and I desire that it may be received as an addition to the testimony I have already given.

Very truly, my dear sir, yours, &c.,

JOHN P. KENNEDY.

Hon. Senator BORLAND.

INDIAN EXPENDITURES IN MINNESOTA.

The Senate proceeded to the consideration of the resolution authorizing the Committee on Indian Affairs to delegate one of their number to proceed, during the recess of Congress, to Minnesota, for the purpose of taking the testimony of individuals in that Territory, in relation to certain charges against Governor Ramsay, connected with his distribution of money to the Sioux Indians. The pending question was on the amendment proposed by Mr. ADAMS, that the Senate appoint a committee of three to make the proposed examination.

Mr. HUNTER. I think the amendment is better than the original proposition. If we are to have this investigation, it had better be done in this way than by sending one individual. But I object to the policy of having committees sit during the recess. I object not to this particular committee, but to any and all committees sitting in the recess of Congress. I think it involves very grave considerations. I think it is a practice which is likely to involve us in disagreeable disputes with the other House. Sir, the House of Representatives have shown a disposition, for the last two or three years, to have some concern in the matter of our contingent fund. Now what powers do we propose to give this committee, in relation to this fund? Are they to have power to raise what commissions they choose, to send for witnesses in order to investigate this matter; and how and what are they to be paid? Are they to pay witnesses for their expenses? And is all that to be done out of the contingent fund? Is the President of the Senate to decide what they shall be paid? Is the Secretary of the Senate to decide, or is the chairman of the committee himself to decide what the committee shall receive? We see how many embarrassing and difficult questions we bring up in relation to that matter. Suppose we were to continue all our committees. I presume there are few committees in this body which could not find profitable occupation in the recess. Suppose we do that; would it involve the necessity of paying those committees out of the contingent fund of the Senate, during the recess, and by the action of the Senate alone? Is it to be supposed that the House of Representatives would not claim to interfere when it came to a matter of that sort?

Besides, sir, I believe there is an objection to such things in the country. I believe it is calculated to bring us into disrepute in the public estimation, and I would regard that as a calamity. We are but sixty-two individuals. It is true we have a voice in the total appropriation for the service of the country—some $50,000,000. We have, when the state of the public business in the House is considered, or rather the manner in which they conduct it, the greatest share in the legislation of the country. How important is it, therefore, to preserve appearances, to preserve the respect and esteem of the community, and to do nothing which shall bring us under a suspicion of seeking by any indirect means, to extend our pay and emoluments. I know that is not the intention of the Committee on Indian Affairs. I believe the committees would not seek employment except when they believed the public interest required it. But I am not the public. I cannot be blind to the mode in which these things are viewed outside of Congress. I believe we should resist everything which would throw us under such a suspicion as I have alluded to. Nor do I see the necessity of having any committee to look into these things. If investigations are to be had during the recess of the Senate, it would be far better to pass laws in respect to them, and to have the investigations made under the superintendence of the Executive, with a limitation by law, than to leave it to the discretion of a committee of the Senate, to be appointed to act in the recess.

Do our legislative powers continue after the Senate adjourns? Can we continue the legislative functions of a portion of this body after the Senate has adjourned? It seems to me very doubtful. I know it has been done in the case of the Library committee on some occasions, and in the case of the printing committee; but those were small matters, and they passed *sub silentio*, and were acquieced in. But, to appoint so many committees as we are in the habit of appointing now, to sit in the recess, makes a graver question for consideration. I believe we had, during the last recess, three or four; and unless we put a check to this practice, the number will grow, and we shall see the practice of appointing committees to sit in the recess increase at each succeeding session.

Mr. COOPER. I am a member of the Committee on Indian Affairs; and I am not in favor of the resolution as I understand it will stand if amended as proposed. I believe it is proposed to appoint a committee, or a sub-committee from the Committee on Indian Affairs, consisting of three members, to investigate, during the recess, the charges made against Governor Ramsay.

Mr. ADAMS. The proposition originally was, that one member of the committee be delegated to take the testimony. I moved to strike that out and insert, that the Senate appoint a committee of three.

Mr. COOPER. What I wish to say is, that the Indian Committee is not making any proposition of this kind, and I certainly am opposed to the committee which is proposed by the amendment, whether it is to be detailed from the Committee on Indian Affairs, or from the body of the Senate. I do not think there is any difficulty, if the Senate chooses to confer the power to do this, namely: to authorize the committee to pursue the investigation during the recess, by means of a commissioner to take testimony on interrogatories filed. That has been done in both Houses. During the last recess, one of the committees of the Senate undertook to send, and did send a committee or a commission to Mexico, to investigate certain matters in relation to charges pending against an individual who is now on his trial. I presume they did not, in that, transcend their duties. I think it would be altogether better to authorize the committee to continue the investigation in this way. Do this: authorize them to appoint a commissioner, as the courts appoint a judge or somebody else, to take testimony on interrogatories filed; and in order that it may not be lengthened out for a whole year, and increase the expense unnecessarily, let the witnesses be named, as I think we should be prepared to do in twenty-four hours. I think I know, myself, most of the witnesses that it would be necessary to call upon, in order to present the facts of this whole case to the body at its next meeting in December. I think this would be the better course to pursue. Certainly I am opposed to having a committee sit during the recess; and I concur in every word uttered by my friend from Virginia, [Mr. HUNTER,] on the general propriety of continuing the functions of certain members of the body during the recess; though I think he was mistaken when he spoke of legislative functions attending them. It would be a *quasi* judicial function, such as is sometimes exercised by the body during the recess. But I certainly agree in the impropriety of continuing the committees during the recess, and there are many reasons besides those which he has stated, which may be urged against the practice.

Mr. BADGER. Besides the difficulty in the way of this mode of proceeding, thrown out by the Senators from Virginia and South Carolina the other day, it seems to me that there is still another. It was said that if the resolution in its original form were adopted, there would be no power in the member delegated by the Committee on Indian Affairs to take the testimony to compel the attendance of witnesses, or to punish a witness for contempt in case of his refusal to answer. That is true; but it is equally true with regard to a committee of the Senate, sitting in the recess of the Senate. Such a committee, if a man is called before them as a witness, and he refuses to come, or coming, refuses to answer, have no power to punish him, or compel him to answer. They must report to the House from which their commission is derived, and the authority of the House must be invoked to compel the requisite witness to discharge his duty; and if he still refuses, to inflict punishment. Therefore, if we should adopt this resolution, even as amended in the manner proposed by the Senator from Mississippi, and if the three gentlemen who compose the committee were to go into one of the States to proceed with the investigation, unless a witness was willing to proceed, they could not compel him. If he attended and refused to answer the interrogatories which they thought proper to put, they could not force him to answer. The consequence would be that it would depend entirely upon the pleasure of the persons called upon as witnesses, whether they could attend at all; and if they attended, how many and which interrogatories they would answer.

Now, sir, if this were an inquiry with regard to any general subject before the country as to matters of policy assisting the legislation of the country hereafter, that would not furnish so strong an

objection; but this is an alleged official delinquency. It is an imputation of crime; and independently of all other objections which have been stated, which would seem to me to be strong, and as far as I see unanswerable, it strikes me that this ought to be sufficient to prevent the Senate proceeding in either of the modes suggested, because when you undertake to examine a charge affecting the honor, and the personal and official character of an individual, that inquiry ought to be directed in such a manner that you can enforce the examination of all who ought to speak, and their answer to all the questions necessary to put to them. If there is no power in a committee of the Senate sitting during the recess, I take it to be perfectly clear that it cannot be devolved upon an individual. If there were no law to that effect we could never confer the power upon our committees to administer oaths. It has been done by law, but the law which authorized the chairman of a select committee or standing committee to administer an oath does not authorize either him or the committee to compel the attendance of witnesses or to punish them for their refusal to attend. Therefore, I suppose the committee would be entirely powerless to perform anything.

Mr. SEBASTIAN. I think, from the discussion which has taken place, that it would be utterly impossible to come to any accommodation which would suit the Senate. I must confess I have been somewhat surprised at the special considerations introduced upon this question, and at the objections which have been raised to it. Now, if the Senate will, by unanimous consent, let the resolution lie upon the table, I have consulted with the Committee on Indian Affairs, and we have come to the determination to submit another proposition to the Senate.

Mr. BRODHEAD. Before the request of my friend from Arkansas is complied with, I would like to know what is proposed to be substituted? If he is prepared now with his substitute, let it be offered before the subject passes from us.

Mr. WALKER. I am satisfied from the character of the discussion into which we have been led, that there is some cause or other on the part of gentlemen for an aversion to this investigation. I know they have said that they have no objection to the investigation; but they think that the Senate is not the proper tribunal to investigate it, notwithstanding that the Senate is the party to which the matter has been referred, and now has it under consideration. I am satisfied that from some cause or other, there is an indisposition to investigate this matter. I therefore hope that the suggestion of the chairman of the Committee on Indian Affairs will be agreed to, that the resolution will be ordered to lie on the table; and I then hope that he will follow it by a motion which will doubtless be gratifying to the Senate, that the committee be discharged from the further consideration of the subject, so that gentlemen will have the satisfaction of witnessing that going on to a greater extent, which is now going on; which is—and letters in the city prove the fact—that the Indians have entered houses of private individuals and ravaged them. I can feel on this subject because I am a frontier man.

Mr. HUNTER. For one I have opposed the proposition to raise the special committee. I have no objection to the investigation, nor do I believe that the laying of this resolution on the table will prevent it. I have no doubt that the proper Executive authority will make it. I believe a Governor of the Territory will be appointed who *ex officio* will be Superintendent of Indian Affairs, and he will investigate the matter. I have no objection to that; but I am opposed to the policy, and I have endeavored to show that my opposition was not to this particular proposition, but that it was one of opposition to the policy of raising select committees to sit during the recess of the Senate. That is the matter at which I am striking, and not at this particular investigation. I not only have no objection to the investigation, but I wish it to go on when it can be conducted properly. But I do not believe it is safe to pursue this practice of raising special committees, and if I had permitted this one to pass without opposition, I could not have objected to any other. I wish, if I can, to take the sense of the Senate in regard to the matter, for if we raise such committees at all I would as soon have it done in this case as in any other.

Mr. BUTLER. I made a few remarks the other day against this procedure with no aversion to the investigation, but from the belief that it would be an unconstitutional mode of proceeding. If the Senate creates a tribunal for the investigation of this matter, what can be the end of it? We cannot impeach. We cannot dismiss. We may pronounce a censure, and that is a judgment. If such a proceeding was to originate in the House of Representatives, I could understand that it would look to a purpose, or if it was laid before the Executive, I could understand that there might be some purpose in view. As to having any aversion to the investigation I have none, for I know nothing about Governor Ramsay or the other persons implicated; and in fact, if there has been a delinquency, I would like the prosecution to go on; but for the Senate to undertake the investigation is inverting everything like the usage contemplated by the Constitution in proceeding against delinquents in office. The House of Representatives ought to originate and prosecute such proceedings; and if the inquiries are to go on with the view to the removal of the man censured, it ought to be in the popular branch of the Government. That was my reason for opposing the resolution. I did not oppose it because of any aversion to the investigation.

Mr. SEBASTIAN. The Committee on Indian Affairs had not any agency whatever in the starting of this investigation. The motion by which the duty was conferred upon them, came from a member of the body in no way connected with that committee. They have proceeded to a certain point in the investigation, and the only reason why the resolution was proposed to the Senate, is that they have arrived at a point in the investigation further than which it is impossible go without the authority proposed, and we cannot cease the investigation without compromising the character of the Senate, and appearing to justify a disposition to avoid bringing the act of delinquency to light. But in view of the considerations which I have heard adverted to, I will renew the motion that the resolution lie upon the table for the present, and then I will submit a motion that the Committee on Indian Affairs be discharged from the further consideration of the subject.

Mr. MALLORY. Will the Senator withdraw the motion for one moment?

Mr. SEBASTIAN. I withdraw it.

Mr. MALLORY. I made some slight opposition, the other day, to the appointment of a member of the committee to prosecute the investigation in the manner proposed. In doing that, I certainly had no opposition to the investigation proposed. I could have none, for I know nothing of the subject; and it was sufficient for me to know that the Committee on Indian Affairs believed that some frauds had been committed, and desired the investigation; but my opposition was made from the conviction that the mode proposed would not only be ineffectual but would interfere with the very object which the committee had in view. I will only refer to the fact that one of our special committees, of which the Senator from Texas [Mr. HOUSTON] was chairman, during the last session reported to the Senate that one of the witnesses in the city of Washington refused to testify; and the committee found itself without the means of enforcing his answering their questions, as suggested by the Senator from North Carolina. The committee then appealed to the Senate to enforce its authority. My opposition, therefore, was based upon the fact that the committee would go on and the time between this and the next session would be exhausted in proving that which we now know. I thought that no useful result could be accomplished, and therefore opposed it. I now renew the motion that the resolution lie upon the table.

The motion was agreed to.

Mr. SEBASTIAN. I now report back from the Committee on Indian Affairs the resolution which was referred to them in relation to the charges against Governor Ramsay, and ask to be discharged from its further consideration, in order that the Senate may take such steps as it thinks proper.

Mr. CHASE. I wish to say a word in reference to the course which I have felt it my duty to pursue in regard to this matter. The Senator from Arkansas has expressed his surprise at the opposition which has been made to the resolution. I am glad that the Senator from Virginia has thought it his duty to oppose the practice which has commenced in the Senate of appointing special committees to sit during the recess. I have opposed this proposition not from any special opposition to it, but I have uniformly opposed the delegation of power to a single individual to be exercised during the recess. I have not believed that it was in the power of any committee to do it. I have not believed that it was in the power of the Senate to confer the authority upon its committee. It is, therefore, distinctly from no objection to the investigation, but from the belief that the power to grant the authority did not exist, and because I think the practice which has commenced of appointing special committees is a bad one and ought to be discontinued, that I have opposed it. I will suggest that so far as the motion to discharge the committee is concerned, at the expiration of the session the power of the committee will expire; but at the same time I have no objection to the motion.

Mr. PHELPS. I desire to know how the Committee on Indian Affairs came to have this matter under consideration. It is not worth while to vote to discharge the committee unless the subject came before them under the authority of the Senate.

Mr. MASON. I would inquire of the chairman of the Committee on Indian Affairs if the subject was referred to the committee at the last session?

Mr. SEBASTIAN. It was.

Mr. MASON. Has it been renewed at this called session?

Mr. SEBASTIAN. It has.

The motion to discharge the committee was agreed to.

CORRESPONDENCE OF MINISTER TO BRAZIL.

Mr. SEWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested, if compatible with the public interest, to communicate to the Senate the correspondence between the honorable R. C. Schenck, Minister of the United States at Brazil, and the Secretary of State.

READING SECRETARY OF THE SENATE.

On motion by Mr. ADAMS, the following resolution, submitted by him yesterday, was taken up for consideration:

"*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint a reading secretary, whose duty it shall be to attend in the Senate and assist the Secretary, and to do such duties when the Senate is not in session as the Secretary may require; and he shall receive per annum, out of the contingent fund of the Senate, the same salary as the Chief Clerk of the Senate."

Mr. ADAMS. My object in calling up that resolution this morning is for the purpose of making an explanation. I am not anxious that it should be considered now. I only desire, as a matter due to the Secretary of the Senate, and the motives which induced me to offer the resolution, to explain why I did so. I understood from the Secretary that he had no regular reading clerk, and it was legitimately the business of the Chief Clerk to keep a minute of the proceedings of the Senate. The other clerk at the desk—Colonel Hickey—has duties to perform elsewhere, and his duties performed here are extra. It is necessary that there should be a reading clerk, in order to the proper organization of the desk. When I drew up the resolution it was not intended to reflect in the slightest degree, in any shape, upon our long-tried and faithful Secretary.

Mr. PETTIT. Has not the Secretary the power now to appoint the necessary clerks?

Mr. ADAMS. He has that power, I know; and the clerk whom he may appoint for the purpose indicated by the resolution, would be entitled to a compensation of $1,500 a year. The proposition which I make is to place the person to be appointed on an equality with the Chief Clerk; that was done at my own suggestion; the Secretary was not in the Chamber when I offered the resolution, or I should have consulted him about it. As the dignity of clerkships, and all other offices seems to depend very much on the amount

of salary, I desired the reading secretary to be placed on an equality with the Chief Clerk, and not in a secondary position. I thought he deserved it. I believed it was necessary to enable the Secretary to procure the services of a suitable man. I do not believe a suitable man could be procured for a less compensation; and among the various extravagant expenditures of the Federal Government, we ought to expend at least a sufficient sum to have the proper organization of our desk. This was my view and no other. I am not tenacious about it. I do not wish to interfere with the Secretary in any way. As an evidence of the fact, I provide that he shall make his own selection. If I had been dissatisfied with him in any way, and had desired to supersede his rights, I would have submitted a resolution to elect the officer. I have considered it due to the Secretary, on account of the construction which I understood some gentlemen have placed upon the resolution, to make this explanation.

Mr. MASON. I move to postpone the further consideration of the resolution until Monday. We want an Executive session.

The motion was agreed to.

RINGGOLD'S COAST OF CALIFORNIA.

The following resolution, submitted by Mr. GWIN on the 17th instant, was taken up for consideration:

"*Resolved*, That the Secretary of the Senate be authorized to purchase one thousand copies of Ringgold's maps, charts, and sailing directions of the coast of California, for the use of the Senate: *Provided*, The price shall not exceed four dollars per copy."

Mr. BADGER. I have no other objection to the resolution except that we have not power to pass it. I do not know whether the Senator from Arkansas [Mr. BORLAND] recollects it; but by a provision contained in the deficiency appropriation bill of last session, it is expressly provided that no books shall be distributed to members of Congress, except such as are published by Congress as public documents, unless an appropriation had been by law previously made for the purpose.

Mr. MASON. The resolution will evidently lead to debate. I move to postpone its further consideration until Monday.

Mr. BORLAND. My attention has not been particularly called to that provision of the law. I had considered the subject only in reference to the value of the chart, of which I have very strong evidence before me. I have the testimony borne by the Coast Survey and from other sources as to the accuracy and value of the charts, which shows that they are now regarded by navigators as indispensable to ships which are navigating the ocean upon the Pacific coast. Whether they will come under the head of books or not, I do not know. We have procured a limited number of them, and they are in very great demand. The gentlemen from California attach very great value to them, and deem them of great importance. Navigators of established character deem them of very great importance, indispensable indeed. The Coast Survey, under whose examination they are passed, and who have made use of them in perfecting their reports, bear the very highest testimony as to their character and their indispensable necessity to all persons navigating the Pacific coast.

Mr. BADGER. I will read the provision of law:

"*Be it further enacted*, That hereafter no books shall be distributed to members of Congress, except such as are ordered to be printed as public documents by the Congress of which they are members: *Provided*, That this section shall not prohibit or interfere with the distribution, to all members who have heretofore received books under the order of either House, of the remaining volumes or parts, so as to complete the sets which they have received."

Mr. GWIN. That does not refer to these charts, and most valuable ones they are. They are not books. They are nothing but charts.

Mr. PETTIT. With the leave of the Senator from California, I will obviate all that difficulty. The resolution is to authorize their purchase for the use of the Senate. I propose to amend it so that it shall be for the use of the navigators upon the Pacific coast. That certainly will obviate the difficulty. [Laughter.]

Mr. GWIN. I accept that.

Mr. CHASE. I think we have already voted about enough for charts.

Mr. BADGER. These are new ones.

Mr. CHASE. I know it; and I have no doubt of their value as stated by the chairman of the Committee on Printing; but if they be of such value, undoubtedly those who navigate the coast can obtain them. I see no reason why the Senate should purchase them more than any other book designed for general circulation.

But a more serious objection to it is that it would be violating, if not the letter, the spirit of the law. The law was designed to prevent the purchase of books, not reports to Congress, for which no special appropriation was made; and every lawyer knows that under the general term "books," maps and charts are included. I therefore move that the resolution lie upon the table.

Mr. GWIN. Let it go over until Monday. I do not wish to interfere with the Senator from Virginia; but I am prepared to show that it is not a violation of the law, and that the charts are of great value.

Mr. CHASE. I withdraw my motion.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

MONDAY, *March* 28, 1853.

Prayer by the Chaplain, Rev. C. M. BUTLER.

On motion by Mr. SHIELDS, it was

Ordered, That C. A. Woolley have leave to withdraw his papers from the files of the Senate.

DUTIES ON IRON.

Mr. HUNTER. I offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to the Senate at its next annual session, the average prices annually of bar-iron, merchantable, manufactured by rolling; bar-iron, merchantable, manufactured otherwise than by rolling; railroad iron, manufactured by rolling, and pig-iron, for the last ten years preceding 1853, in the foreign markets of production or shipment; also the average prices annually of the same description of iron at New York and Pittsburg for the same period, together with the charges for freights, insurance, and commission.

It has been suggested to me by practical men that the true basis of a compromise between the producers and consumers of iron in this country would be to establish a point in the price after which no duty should be charged. It has been said that it is probable some point could be ascertained after which the duty could be taken off without injuring the producers of iron, and which would be for the benefit of the consumers—the protection being that the duty would be applied upon the iron whenever it ranged below the price named by law. For the purpose of ascertaining if such a thing be possible, inasmuch as it is very desirable to produce some sort of compromise between the producing and consuming interests, I have introduced the resolution. The question will come up at the next session. By that time the Secretary will be enabled to give us the information upon which we may act in regard to the subject. It seems to me exceedingly desirable that we should produce harmony between the great industrial interests of the country, and whenever the subject is capable of compromise we should begin in time and collect information to enable the Government to make some arrangement which may enable them all to go on harmoniously. I trust that something like this may be done. It seems to me to be a plausible idea; and without committing myself to it, I think there is so much in it as to make it desirable to have the information to enable us to act upon it hereafter.

Mr. BRODHEAD. Since 1846 or 1847, the manufacturers of railroad and other iron generally have been asking for some compromise. They have appealed more than once, I believe, to the honorable Senator from Virginia, and I am very happy to learn now that he is willing to have some compromise on the subject. I should have been much more pleased to have heard it from him some two or three years ago when those engaged in the manufacture of iron, especially of railroad iron, were suffering so terribly, and calling loudly for relief.

Mr. HUNTER. I think the Senator from Pennsylvania is not exactly aware of my purpose and agency in regard to this matter. I introduced the resolution for the purpose of seeing if something cannot be done which may satisfy the consumers of iron without injuring the producers. It has been suggested to me that here was the idea upon which some such compromise could be made. I do not know whether it can be done or not; but it is certain that at the next session we shall have to meet the question; and I submit to the Senator whether it is not better in every point to have all the information which we can obtain in regard to the subject. That is the end and object of the resolution.

I will say in relation to my own opinions, since the gentleman has referred to them, that I am a free-trade man. It is known to everybody who knows me that I am a free-trade man to this extent—that I go for duties upon revenue principles, and for the lowest duties which will bring in sufficient revenue for the purposes of the Government; but at the same time, I believe that when interests are called into existence, whether by improper legislation or not, by the action of the Government, those interests ought not to be suddenly and wantonly destroyed; and whenever the Government may choose to take the direction of reform, it should do it as gradually and slowly as may be consistent with the existence of the interests which it has called into being. My object is a kind one.

Mr. BRODHEAD. My friend from Virginia says he is a free-trade man. It is difficult to understand in what sense he is so, because not four weeks ago, he advocated upon this floor the worst kind of discrimination. He advocated a proposition to take the duties off railroad iron entirely. Is he in favor of taking them off cotton, woolen, and other species of manufactures in the country? Where, then, do we obtain the revenue? I would like to know what my friend from Virginia means by saying that he is a free-trade man? Does he mean that he is in favor of the repeal of all duties, and a resort to direct taxation? It would seem so from the fact of his advocating the abolition of duties upon railroad iron entirely; because I can see no reason whatever for taking the duty off railroad iron and not off the other articles which I have named.

Mr. HUNTER. The Senator from Pennsylvania says he is at a loss to know in what sense I pronounce myself a free-trade man. I said in what sense it was. I said I was in favor of laying on duties only on revenue principles, to raise as much revenue as would be necessary for the proper administration of the Government. That defined my opinion in that respect. He says, though, that I must be for direct taxation, because I voted to take the duty off railroad iron. That does not follow. Here is a question, if I chose to go into it, in relation to the propriety of taking the duty off railroad iron, which involves the question in regard to the true principles of taxation; but I do not choose to enter into it. The Senator might have remembered, that on the occasion to which he alluded, I voted under the instructions of my State Legislature, and that during the whole time previously I had declined meddling with the subject of duties upon iron, in any way. He knows that I made no speech in regard to it. I gave a vote in accordance with instructions. And now what is the object I have in view? It is to obtain information, to see whether we may not ascertain some point in the price after which the duty may be taken off iron, not only for railroad, but for all purposes, without injury to the producing interest, reserving a provision in the law by which duties shall be laid upon iron when its price ranges below the point. I have it from good authority that there are many iron-masters who believe that this would afford the basis of a compromise. I know there are many railroad men who believe it. I do not yet pronounce upon it. I cannot do so until I have the information; but, as I said before, I think the idea is plausible enough to justify us in the effort to obtain testimony to see how far it is practicable.

The question was then taken on the resolution, and it was agreed to.

NAVAL DEPÔT AT NEWPORT.

Mr. JAMES submitted the following resolution;

which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to inquire whether it will not be advantageous to the Government of the United States, to establish a naval depôt at Newport, Rhode Island, and that he report to the Senate at its next session.

LATE SERGEANT-AT-ARMS.

On motion by Mr. SHIELDS, the Senate, as in Committee of the Whole, proceeded to consider the following resolution, which was ordered on Thursday last to lie upon the table:

"*Resolved*, That the Secretary of the Senate pay to Robert Beale, late Sergeant-at-Arms, the salary for the residue of the present year."

Mr. SHIELDS. I hope there will be no opposition to the resolution, and if so, I do not want to say a word in relation to it. The only object I had in view in introducing it was this: the late Sergeant-at-Arms, who has served since I came into the Senate—and I think with great fidelity—and has done everything which a man could do to make himself useful to Senators, has been removed without any notice. It is well known that there has been no term fixed for these changes; that he had no previous notice; that the action of the Senate electing another person in his place, came unexpectedly upon him. He has been left with a considerable amount of property on his hands, of which of course he will be unable to dispose in such a way as to make it advantageous to himself. If there had been a term, as for instance four years, during which he knew he was to hold office, and then a new election was to come on, it would be very different; but I think this case stands upon a different footing altogether. There has been no definite term for the appointment of these officers. In fact they have looked upon themselves as here for life. It is true that the Senate has only performed its duty perhaps in reëlecting its officers; but at the same time, this falls a little hard upon this officer, who has done everything a man could do, to discharge his duty to the Senate. I hope the resolution will pass without opposition.

Mr. PETTIT. I am opposed to the resolution for the reasons which I stated the other day, and I will not trouble the Senate by repeating them. It seems to me it is without precedent and propriety. We have dismissed an officer who held his office dependent upon the will of the Senate. The Senate has expressed its will. It does not want him any longer; and why he should still be in our pay I am totally unable to see. I will ask for the yeas and nays upon the passage of the resolution.

Mr. WALKER. I am opposed to the resolution. I think it ought not to be adopted. If we do this, we shall constitute a precedent for almost everything that can be considered a gratuity. Now, can any Senator in the Chamber mention to me upon what principle the salary of the Sergeant-at-Arms should be paid to Mr. Beale for the rest of the year, unless it be upon the ground stated by the Senator from Illinois? I think that no man can mention any good ground upon which the allowance should be made. Is the ground stated by the Senator from Illinois a good one? Why, sir, have we displaced an officer who is left destitute and pennyless, and without support? Not at all. We have exercised the privilege that belonged to the Senate of electing a Sergeant-at-Arms to supersede Mr. Beale; but it is not the fact, if I understand it aright, that Mr. Beale is left in a destitute condition. He is not left as one of those helpless and poor office-holders who is suddenly taken by surprise and turned out. We shall have in every Department of the Government, in all probability, cases which will excite our commiseration much more than this; and shall the legislative branch of the Government take up the case of every clerk who is turned out by surprise, and left without anything to fall back upon, and make him an allowance for one year following his removal? I hope not. Your Treasury would be insufficient for it; and yet we propose to set an example which would be one of the most memorable of the kind in regard to one of our own officers. We pay Mr. Beale! Why the position which he occupies is not even a sinecure, and we pay the gentleman whom we have elected for the actual discharge of the duties. I can see no good reason for it.

Mr. SHIELDS. If the Senator will permit me, I do not want to go into this matter, but I will state that if there had been a term fixed for the office, and Mr. Beale had been an officer who knew he was to be removed at the expiration of that term, the case would be very different. The Sergeant-at-Arms is compelled to procure stabling and forage and make various preparations in order to manage the affairs of the Senate; and, sir, the salary proposed to be given by the resolution will not compensate Mr. Beale for the injury which he has sustained. What is it? It is at best only $1,800 a year, and the resolution proposes to pay only to the end of the fiscal year; and here he is left to dispose of forage, of stabling, of a variety of things which he had prepared in order to the performance of his duties in this body. The horses and carry-alls are all left on his hands. In my humble opinion there is a strong equity in this case. I do not say the Senate is bound to make the allowance, but I say it is equitable when an officer is cut off in the midst of the term to make an allowance.

Mr. WALKER. I believe I understand the Senator's idea. I am sorry that this last matter has been brought up. I feel as little disposition to say anything which may be afflictive to Mr. Beale's feelings as any Senator on this floor, but I must mention a fact in connection with this matter, for it seems to be the strongest ground upon which the resolution is based. I procured from the Secretary of the Senate—I made it a part of his duty to furnish me—a paper showing that during one long session of Congress there was paid to Mr. Beale for the service of his horses and his carry-alls, upwards of $5,000. Sir, the Committee on the Contingent Expenses of the Senate have been making their exertions to reduce this matter in the hands of Mr. Beale; and I must now say to the Senator that in defiance of that committee, while I was a member of it, Mr. Beale would employ his extra horses, and carry-alls, and wagons, and when the committee refused to allow it, he dogged us from one end of the Capitol to the other, and all around and over it; and in the last six days he has been dogging me, although not now a member of the committee, to use my influence with them to get the allowance of the last batch for the horses. That is the last thing for which he should be compensated. I hope that nothing more of that kind will be mentioned as a merit. I think now, to speak plainly, that the least said about the matter the better, for I should be extremely sorry, in justification of my own course, and of the Committee on Contingent Expenses, to bring forth other matters that might be, and shall be brought forth, if necessary, from my desk.

Mr. SHIELDS. As far as I am concerned, the honorable Senator can bring forth what he pleases. I know nothing about what the Committee on Contingent Expenses have done, and I have made no charges against that committee, far from it. I presume Mr. Beale received no money out of the contingent fund that was not allowed him by the Senate. Whether it was allowed by the committee or not, I know not. The Senate must have supposed that they gave that money for some object. I cannot understand the honorable Senator when he says that this money has been allowed to Mr. Beale against the wishes of the Senate for extra services. Is that what I am to understand? I know nothing of that. All I say is—and I understand the honorable Senator does not pretend to gainsay it—that Mr. Beale is left with a large amount of property on his hands which he had to procure for the service of the Senate.

Mr. WALKER. If the honorable Senator will allow me, I will state that he was authorized, if I understood the last order of the Senate aright, to employ one wagon for the mail service, and one for document purposes. Now, if that is the great amount to be left upon his hands, and he is to be paid a year's salary in consequence of it, be it so. I do not think they would be a great burden to him. I understand that horses and wagons bring pretty good prices here. I mentioned the fact of the large receipts that he had to show that the ground of sympathy for him is not well taken, and that we ought not to be called upon on such a ground to make him an allowance which in reality, on the score of sympathy or anything else, is not due to him.

Mr. BAYARD. I am opposed generally to everything like contingent allowances, and shall always be. I think I stated the other day that they necessarily lead to corruption. The case, however, now before us seems to me to form an exception. The practice of the Senate has hitherto been for its officers to hold during pleasure, without any specific term, without any known time at which the office would expire and they would be liable to reëlection. Suddenly, during an Executive session, you removed the late Sergeant-at-Arms, without notice, without investigation. I do not know that there was any ground of objection, but simply on the ground of mere will, by which you choose to place a new person in the situation. The act was right and proper in itself, if in the judgment of Senators they could procure a better officer by so doing; but when no charges were made, I think by the general practice and usage of the Senate, it would be an act of ordinary liberality to make the allowance which the resolution proposes. It is widely different from the case of an officer who holds office for a specific term, when he knows his office will terminate unless he is reëlected or reappointed. Such has not hitherto been the practice of the Senate. It is for these reasons that I am disposed to vote for the allowance, because unless we make it, it will seem like an implied reflection upon the character of the officer.

The resolution was then reported to the Senate without amendment, and was read a third time. On the question of its passage the yeas and nays were ordered, and being taken, resulted—yeas 27, nays 12, as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Brodhead, Butler, Clayton, Cooper, Dodge of Wisconsin, Everett, Fish, Fitzpatrick, Gwin, James, Morton, Norris, Phelps, Pratt, Rusk, Sebastian, Seward, Shields, Smith, Soulé, Stuart, Thompson of Kentucky, Thomson of New Jersey, and Wright—27.

NAYS—Messrs. Adams, Atherton, Borland, Chase, Evans, Houston, Mason, Pettit, Sumner, Toucey, Walker, and Weller—12.

So the resolution was passed.

Mr. BRODHEAD subsequently moved a reconsideration of the vote, and said: I thought that the resolution made the allowance for the residue of the fiscal year which ends in June; but upon a critical examination of it, I think it may be construed to extend the pay until December next. It says "the present year." I understood, in the hurry and confusion which prevailed in the Chamber—for there is a good deal of "noise and confusion" here—that it was during the fiscal year.

Mr. SHIELDS. My intention was that it should be so understood. I have no objection to inserting "fiscal." The alteration can be made by common consent.

The motion to reconsider was agreed to, and the question recurred on the passage of the resolution.

Mr. BRODHEAD. I move to insert "fiscal" before "year."

Mr. SHIELDS. At the same time, to save any further difficulty, I move to insert "out of the contingent fund of the Senate," after "pay."

The amendments were agreed to, and the resolution as amended was passed.

READING SECRETARY.

Mr. ADAMS moved to take up the resolution submitted by him some days since in relation to the appointment of a reading secretary; but the motion was lost; there being on a division—ayes 10, noes not counted.

RINGGOLD'S CHARTS.

The Senate resumed the consideration of the following resolution:

"*Resolved*, That the Secretary of the Senate be authorized to purchase one thousand copies of Ringgold's maps, charts, and sailing directions, of the coast of California, for the use of navigators upon that coast: *Provided*, The price shall not exceed four dollars per copy."

Mr. MASON. I think very clearly that the resolution is against the meaning, if it is not within the letter, of the act of the last session, to which you, Mr. President, (Mr. BADGER in the chair,) called the attention of the Senate on Saturday, prohibiting the purchase of books, unless by a joint vote of the two Houses. I think that is a sufficient objection to it; but were it not so, I think it

incumbent upon me to vote against the resolution; and to state my reason for doing so. The gentleman who compiled the charts is one that I have the fortune to know personally and well, and I apprehend a more meritorious and distinguished officer does not belong to the service. He has rendered very great service in compiling these charts. It afforded me pleasure at a former day to go with the majority of the Senate for their publication; and I think they were published by an order of the Senate, as an act of deserved distinction to the officer who compiled them; and at the same time the Senate provided that a certain number of copies should be purchased. I think it would be not only wrong, but in bad taste for the Senate to go further in making the purchase. I have no doubt, from the evidence of which we have heard, as well as from the ability of the compiler of the charts, that they are very useful to navigators on the Pacific coast; but I have yet to learn, and if I should learn it would be with great concern, that it is the province of the Senate to enter on the course of purchasing charts for the use of navigators. If they are required, as doubtless they are, there is an abundance of money ability in those who use them to purchase them. I shall therefore vote against the resolution.

Mr. GWIN. In regard to the first objection which is made to the resolution, I will merely say that the charts are not a book; and we published at this session, by order of the Committee on Printing, fifteen hundred extra copies of a chart, showing the route from California to Shanghai for mail steamers, which was very similar in its character, though not so accurate as this. But in regard to this work, I have reason to know this officer of the Navy, of whom I can speak in as much praise as the Senator from Virginia. He lost largely by the publication of the charts, and I wish, on my part, to remunerate him, and through the hands of the Secretary of the Navy to put the charts in possession of those who navigate those waters. I am perfectly confident that we cannot make an expenditure of an equal amount by which more good can be brought to the Government than by purchasing these maps; but I will not detain the Senate.

Mr. BORLAND. I wish to say to the Senator from Virginia, that I think he is mistaken in supposing that Congress published these charts. They were published, I believe, by Captain Ringgold himself, and Congress purchased some of them.

Mr. MASON. Yes, sir.

Mr. BORLAND. They were published at his own expense. At first I was opposed to the resolution, but when I have evidence furnished me from the Coast Survey office, and from other distinguished and competent sources, of their great value, indeed of their almost indispensable necessity to all our ships navigating the Pacific coast, and when I ascertained further, that the compiler has not been reimbursed by several thousand dollars for the cost which he has personally incurred, I am in favor of the resolution. He has conferred upon navigation in all that coast of the country, one of the greatest benefits which ever has been conferred. We have the testimony of the Coast Survey, that in the preparation of the maps which they have since made, they derived great benefit from these charts, and found them indispensable to the work, and saved a large expense and labor by having them. If we purchase these charts, it will be for the benefit of navigation. The compiler has incurred great expense, and has not yet been reimbursed; and it does seem to me nothing more than simple justice—to say nothing of the benefit conferred upon the interests of navigation—to pay him as much for the use of the work as it cost him; and the additional copies which we propose to purchase will not do more than repay the money which he has paid out, and which has gone to the benefit of the country.

Mr. BAYARD called for the yeas and nays on the resolution, and they were ordered.

Mr. CHASE. I desire simply to say that the remarks submitted by the Senator from California would convince me, if I needed any conviction upon this subject, that this is a very meritorious work; and I would cheerfully vote for the resolution, if I were not fully satisfied that it is against both the letter and spirit of the prohibition in the law; and I trust the Senate will not, at this special session, violate a law which they assisted in passing at the close of the last session.

It is said that this does not fall within the letter of the law because it is a chart. Sir, there are numerous decisions, as all lawyers know, which establish the doctrine that the word "book" does in point of fact comprehend charts. That is the legal sense of the term. It is a sense which of course would apply to the word "books" in the law to which reference is made. If, then, we pass the resolution it will certainly, according to the import of language, violate that law.

Mr. BAYARD. The objection mentioned by the Senator from Ohio is the only reason why I must vote against this resolution. Were it a joint resolution, I am inclined to think I would vote cheerfully for it. But the law to which reference is made, clearly, in its letter and intent, restrains the action of the Senate in this matter, and I cannot violate that law.

Mr. BORLAND. I shall not contend with the Senators who have just spoken, upon the meaning which they attach to the word "chart" and the similarity of meaning which they seem to think exists between that and the word "book;" but there is another ground which I think very satisfactory, upon which this proposition is not excluded by the terms of the law. The third section of the act referred to, in which the prohibition is made, is in these words:

"That hereafter no books shall be distributed to members of Congress except such as are ordered to be printed by the Congress of which they are members."

We well know the reason for that. We well know that there was a great complaint that members of Congress were in the habit of voting themselves large quantities of books to be paid for out of the contingent fund of the respective Houses. It was considered an abuse; and the cry had gone through the country and got into the newspapers that we were voting ourselves libraries. The section which I have read was intended to meet that case. But, sir, here is a very different thing. It is proposed to purchase a valuable chart, call it a book if you please, which the interests of navigation very much require, because our commerce upon the Pacific ocean is very rapidly extending and increasing; and it is also intended, as I said, while subserving that great public purpose, to reimburse a meritorious public officer, who, at his own expense, published the work and has not yet received any return for it, notwithstanding its great public value. He is yet out of pocket several thousand dollars. By passing the resolution, therefore, we shall not disregard the law, but we shall subserve the public interest and at the same time do an act of justice to a meritorious officer.

The yeas and nays being taken on the resolution, resulted—yeas 22, nays 16; as follows:

YEAS—Messrs. Atherton, Borland, Brodhead, Dodge of Wisconsin, Douglas, Everett, Fitzpatrick, Gwin, Hamlin, Houston, James, Jones of Iowa, Morton, Norris, Pettit, Pratt, Sebastian, Seward, Shields, Stuart, Thomson of New Jersey, and Weller—22.

NAYS—Messrs. Atchison, Badger, Bayard, Butler, Chase, Clayton, Evans, Fish, Mason, Phelps, Smith, Soulé, Sumner, Thompson of Kentucky, Toucey, and Wright—16.

So the resolution was agreed to.

Mr. PRATT. I would suggest to the Senator from California, the propriety of making some alteration in the terms of the resolution, because it occurs to me, that under it, there is no power conferred to distribute the charts. The law of last session prohibits their being distributed to Senators when they are purchased. Where are they to go?

Mr. BUTLER. To navigators.

Mr. PRATT. How are they to get to navigators? I suggest that the resolution needs some modification in that respect.

Mr. BORLAND. I suppose, in authorizing the Secretary to purchase the charts for the use of navigators, there is a general power given to him to put them into the hands of navigators. That follows as a necessary consequence; and we are to suppose that he will take a common-sense view of the subject, and adopt some reasonable practicable plan by which they will go into the hands of those for whom they are intended.

Mr. BAYARD. Where is the authority on the part of any officer of this body to turn these books over to any one else? Where does it spring from? When I made my remarks upon the resolution, I supposed it stood as it was originally framed "for the use of the members of the Senate." Where is your warrant for publishing books, by order of the Senate, for distribution by any other persons than Senators? It seems to me that the resolution is more objectionable in the form in which it passed than it was originally. It contains no provision as to who is to distribute the charts. We are told that the Navy Department will do it. How is the Navy Department to get them? Under the resolution who is to delegate the power to it to distribute them? When you print books for the use of the Senate, you have a general rule for their distribution; but you have none to apply to this at all. The charts may be bought, but they will lie here and require the subsequent action of the Senate, or both Houses, in order to distribute them.

The PRESIDENT. The resolution cannot be altered unless by unanimous consent, or by moving a reconsideration.

HOUR OF MEETING.

Mr. WALKER. I submit the following resolution:

Resolved, That hereafter the hour of meeting of the Senate shall be ten o'clock, a. m., until otherwise ordered by the Senate.

I will state to the Senate the reason why I shall ask for the consideration of that resolution at this time. As we meet now, we do not sit while the Cabinet are in Cabinet council. They are in council during the morning, and come out about the same time we commence our session. We therefore cannot see them while we are idling away the morning. When our hour of meeting arrives, they have left Cabinet council and gone to the Departments. Then we commence our sitting, and the result is that a great many Senators who have business at the Departments have to go away, and we are left often without a quorum. Now, I have no doubt that there are a great many Senators who have business to attend to at the Departments which they must transact, and they have gone away to attend to it, and I should not be surprised in a short time to-day, and on every subsequent day, after this hour, to find ourselves left without a quorum. If we can meet at ten o'clock, and sit until one, we shall be sitting during the time when the Cabinet are in council, and the Cabinet council and the session of the Senate will break up about the same time, and then we can have an opportunity to transact our business at the Departments. It is for this reason that I offer the resolution, and ask for its consideration now.

The PRESIDING OFFICER. Does any Senator object to considerimg the resolution at this time?

Mr. SEWARD and Mr. BUTLER. I object.

Mr. WALKER. Withdraw the objection.

Mr. BUTLER. I cannot withdraw the objecaion. I think our hour of meeting is well arranged its it is. The Senate ought to deliberate separately and let the Cabinet officers do their own business. This thing of Senators going to transact business with the Departments and making an excuse for altering our hour of meeting is all wrong. Whatever business they have with the Departments ought to be done in writing.

Mr. WALKER. I do not mean that this is to give Senators an opportunity to go to the Cabinet councils—of course they cannot get there. But there are many Senators who desire to see the heads of Departments on business; and the Cabinet council breaks up just about the time that we go into session now, and consequently we have no opportunity to attend to our departmental business. If we go to the Departments in the morning we cannot find the heads of the Departments, for they are in Cabinet council, and as soon as they come out of council our session commences, so that we have no time to see them; but if we should meet at ten and adjourn at one we could attend to departmental business and senatorial business also. The Senator asks me what business I have at the Departments?

Mr. BUTLER. I do not.

Mr. WALKER. I do not know whether the Senator has any or not, but I can tell him that if he hailed from Wisconsin or any of the western or northern States, he would find the duty an onerous one, which could not be thrown off. It is imposed upon us, and some time must be taken

to attend to it; and I will say that if the Senate continues meeting at the time at which we now meet, and are in session the only time when we can see the members of the Cabinet, I shall be compelled to leave the Senate at some hour of the day to attend to my business at the Departments.

Mr. PETTIT. I simply desire to say to the Senator from Wisconsin, that I object to one of his remarks, and that is the one which indicates that we are idle in the forenoon. I do not know any Senator who is idle. [Laughter.]

Mr. SEWARD. I desire to ask the Senator from Wisconsin, whether the Cabinet have expressed any particular desire to see more of the Senate than they can see now? If they have not, I shall object to the resolution.

Mr. WALKER. We are not consulting their comfort. We do not propose to ask them when we shall go; and I do not propose to ask the Senator from New York, nor will my constituents, who have imposed the duty upon me be likely to ask him, as to when and how I shall attend to the duty. I presume those of us who have business to attend to, will do it whether the Cabinet are willing to see us or not.

The PRESIDING OFFICER. As the consideration of the resolution is objected to, it goes over one day under the rule.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened,

And the Senate adjourned.

TUESDAY, *March* 29, 1853.

Prayer by the Rev. J. G. BUTLER.

On motion by Mr. JONES, of Iowa, it was

Ordered, That Avery Downer have leave to withdraw his papers from the files of the Senate.

FOLDING OF DOCUMENTS.

Mr. BADGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms be authorized to continue the messengers in the employment of the Senate, for two months after the termination of the present session, for the purpose of folding and transmitting documents.

READING CLERK.

Mr. ADAMS. I move to take up the resolution which I submitted a few days ago, in relation to a reading secretary. I will state to Senators that if it is taken up I will make such a modification of it as I suppose will make it acceptable to every one.

The motion was agreed to, and the Senate proceeded to consider the resolution.

Mr. ADAMS. I desire to modify the resolution, so that it will read as follows:

"*Resolved*, That the Secretary of the Senate be authorized to employ a clerk, who shall, under his direction, read at the desk of the Secretary and discharge such other duties as the Secretary may assign him; and who shall receive the same compensation as the principal clerk."

I will state, in a very few words, the substance of an explanation which I made a few days ago. I understand that the duties legitimately belonging to the Chief Clerk, are to keep a minute of the proceedings of the Senate and to make up the record; that the duties performed at the desk by Colonel Hickey are extra duties; and this proposition is to relieve him. His business, which is enough for any one man to perform, is elsewhere, and not at the desk. The resolution is only to authorize a proper organization of that desk. I think we are entitled to it. It increases the compensation allowed, from $1,500 to $1,800—which I apprehend is not unreasonable. I think really that there can be no serious objection to the resolution. It is intended not to affect any one's rights, but to enable the Secretary to perform, in a proper manner, the duties which devolve upon him. It meets his approbation, and that of all concerned, so far as I know.

Mr. MASON. I very respectfully submit to the Senator from Mississippi, whether it would not be proper to let the matter lie for the present. We do not now want a reading clerk. We may want one at the next session. There is no reason in the world why we should go into an organization of the officers of the Senate at the close of this special session. I have heard a great deal on this subject. I have read some things about it, and I am strongly disposed to think that the officers of the Senate, the police officers, the ministerial agents, and probably those in the office of the Secretary of the Senate may want some organization. I am disposed to think it would be found expedient at the commencement of the next session to refer the subject to a committee to ascertain what the existing organization is, and inquire into the necessity which may exist for reorganization. If no other Senator should move in it, I may feel it incumbent upon me to ask for a committee at the next session to take into consideration the reorganization of the whole department of our officers. For the present, however, to test the sense of the Senate, I move that the resolution lie upon the table.

The motion was not agreed to, there being on a division—ayes 14, noes 18.

Mr. BUTLER. I am sure such an officer as the resolution proposes to appoint is not necessary now. The desk does not require it; the business of the Senate does not require it; and who is it that requires an additional officer at this time—at the close of this session? Is the resolution proposed with the view that the Secretary shall select from his own clerks one to fill the office, or select one that he may think entirely suitable? or is it that there is somebody who wants the office, who is in the view of the gentleman who moves the resolution?

Mr. ADAMS. If the Senator will allow me, I will inform him that the resolution authorizes the Secretary to select whoever he may think proper.

Mr. BUTLER. I understand a little behind these things. [Laughter.] I suppose the Secretary has a pretty strong hint of who the incumbent is to be. Mr. President, if our patronage were to be dispensed in this way, I would have it that the gentleman who is to be selected for it, if an additional one be selected, should be some aspiring literary young man who, with $1,500 or $1,800 a year, would be enabled to improve his mind in the Library. I would have a man of literature, not one who is identified merely with party. If I had the assurance that the office would be disposed upon a man who would avail himself of the opportunity to improve his mind upon the subject of literature—some young clergyman, or young man looking to a distinction of that kind—perhaps I might be less reluctant upon the subject; but at the close of the session I do not like to see the Senate subjected to terms to have an appointment made when there is no occasion for it; and I shall therefore vote against the resolution.

Mr. CHASE. I am quite satisfied that the officer is not needed at this session. We cannot tell what we may need at the next session; and in order that we may act with all the lights before us, I move that the subject be postponed until the first Monday in December next.

Mr. BAYARD called for the yeas and nays on the motion, and they were ordered.

Mr. WALKER. Would it be in order to propose an amendment to the resolution now?

The PRESIDING OFFICER, (Mr. BADGER in the chair.) It will not be in order pending the motion to postpone.

Mr. BORLAND. I shall vote for the postponement, for the reasons which have been so well stated by the Senators from Virginia and South Carolina, that at this session, at any rate, we do not need the addition to our clerical force, and that at the beginning of the next long session, if we do need it, we can take the subject up and dispose of it deliberately. We shall then have plenty of time before business accumulates on our hands, and we shall avoid the incurring of what I consider a very unnecessary expense, and also the doing with a very thin Senate—a bare quorum I apprehend—what would seem more properly to belong to a full Senate at the beginning of a new Congress.

Mr. ADAMS. This is a matter in which I have no feeling; but I deemed it necessary to introduce the resolution, for the advantage and convenience of the Senate. My opinion is that not one man out of ten thousand reading clerks, can be procured to discharge, in a suitable manner, the duties intended to be assigned to the individual embraced in the resolution, and I therefore desire to give the Secretary time to make the selection. It is a matter of very little patronage. Three hundred dollars a year, for the convenience of the Senate!

Mr. BORLAND. Eighteen hundred dollars.

Mr. ADAMS. That is the salary which the resolution proposes to allow; but the Secretary is now authorized to give $1,500, if he should choose to appoint a person. Talk about patronage! Economical as I usually am, no objection on the score of economy entered into my mind to such a proposition. But as I said before, I have no feeling in the matter. If it is the pleasure of the Senate to postpone it indefinitely, I have a convenient seat near the desk, where I can hear any reading that may be thought necessary. I have deemed it a matter of importance, for the convenience of the Secretary, that the Secretary should have the opportunity of selecting the individual. Having confidence, as I have, in his discretion, I embraced in the resolution the privilege of suffering him to make the appointment. All I ask now is a vote.

Mr. WALKER. It is said that the Secretary has the power to appoint a $1,500 clerk, and that the resolution, in its operation, only increases the pay $300. Now, sir, we are at the close of an Executive session; very nearly nine months are to pass away before we shall enter upon the duties of another session; and suppose the Secretary should now exercise the power to appoint a reading clerk at $1,500 per annum, three fourths of whose salary would run on when he had not a word of reading to do, what would you say? For one, I am in favor of visiting, by investigation and punishment, those who are guilty of wrong-doing; and I say emphatically that I should be after him, for one, if he should exercise that power. I believe the Senate would revolt at the idea that he should employ a reading clerk whose salary should run nine months in the vacation of the Senate to start with. We propose, then, to do what we would censure the Secretary for doing. We are asked to resort to the unjustifiable patronage of employing a reading clerk for the Secretary, to sit down for nine months without the necessity of opening his mouth to read one word. That is the proposition. And besides, what do we want with more clerks at the Secretary's desk? I asked you, sir, if it was in order to offer an amendment. I have one here, which, if the original resolution be adopted, should also be adopted. It is to add to it the words,

"And that the desk of the Secretary be lengthened about five feet, five-and-a-half, or six feet."

Sir, it would be necessary to have more room there, if you get another reading clerk; for unless you extend the desk there will be no place for him to sit. We are to appoint a clerk to read nine months for us when we are scattered all over the Union! An act for which, if performed by the Secretary, we should censure him; yet it is proposed to pass the resolution and do it ourselves.

Mr. BUTLER. I understand from the Senator from Mississippi, that this clerk is to be a man of very rare endowments. I believe he said that not one in ten thousand could be got exactly suitable. I suppose, then, the object of the resolution is to authorize the Secretary of the Senate to employ a person who, during the nine months between now and the commencement of the next session, may come here and rehearse. I should like to hear the rehearsals, and the gentleman's practice in elocution. It would be an exhibition worth witnessing. Who would not come here every morning to hear that fellow sing out until he had almost got the records by heart? [Laughter.]

Mr. ADAMS. If the Senator will allow me, I will say that my remarks justified no such criticism as he has thought proper to put upon them with his great facility of turning everything into ridicule. I only suggested that there were but few reading clerks who would answer the purpose, and I desired to give the Secretary time to look around him to make the selection. How the Senator can, from my remarks, come to the extraordinary conclusion to which he arrives, I cannot see, though for that gentleman to come to an extraordinary conclusion is not strange.

Mr. BUTLER. I had not given up the floor when the Senator from Mississippi anticipated me.

I do not think the public service is so urgent that it is necessary to make an appointment at this time. That is my opinion. The Senator wants an opportunity for the Secretary to look around that he may determine whom to select. In that case I would advise the Secretary to attend the theater. [Laughter.] Very good voices can be found there, somtimes; but I rather think there is very little necessity to look around if the man is already decided upon.

Mr. DOUGLAS. I have taken no part in this matter. I have not been consulted as to the propriety of offering the resolution; but as there is an attempt, on the part of the Senator from South Carolina, to ridicule it, I will say that I am of the opinion that a reform in the reading here is necessary. I believe the Senate thinks so. There is a complaint that while our duties are discharged well in other respects, the reading is not done intelligibly. There is no use in our avoiding or trying to conceal the fact. We all confess it to one another. Why then not meet the evil and remedy it? For one I am in favor of doing it, and doing it now or at the next session. I would prefer that the resolution should say that the duties and pay of the person to be appointed should commence at the next session, though he may be appointed in the mean time.

Mr. ADAMS. I have no objection to that.

Mr. DOUGLAS. I have no faith in these reforms which are to commence at the next session, and then at the next and the next, so that they are postponed interminably, and never acted on at all. I think, sir, we had better meet the question, and if we need a reading clerk let us have him. Perhaps we have clerks enough. I have no complaint to make except upon the point which I have mentioned, and upon that there is a universal complaint, not only by the Senate, but by all who witness our proceedings. It is true; and we may as well acknowledge it as try to conceal it. For one I think we ought to act, and act promptly and boldly; but let the pay commence when the service commences.

The PRESIDING OFFICER. Does the Chair understand the Senator from Mississippi to modify his resolution according to the suggestion of the Senator from Illinois?

Mr. ADAMS. Yes, sir.

Mr. MASON. In reply to the Senator from Illinois, I desire to say that I suspect my nerves are as sensitive to the proprieties of reading as his or other Senators, yet I have never had occasion to complain of the manner in which papers and documents are read at our desk. I will not specify the officers by name, but there are those who read habitually at that desk, who read better than most men we find. They read in a most articulate and distinct tone, and with a propriety which it is difficult to attain. It may not be so when the proper reader is engaged in other duties, and a substitute is in his place. In the attempt of the honorable Senator to reform, he may make a change, but I doubt exceedingly whether he will make an improvement. Of course I do not know who it is proposed to put in the place of our present reading clerk, but I have heard the name of one person mentioned whom I have heard read, and read a great deal in the other wing of this Capitol; and a more discordant, nasal, sawing tone than he possesses I have never heard. I do not know whom it is proposed to put there. I have no doubt if the resolution should pass, and the Secretary is left to himself, he will make as judicious a selection as he can; but it is a very difficult thing to select a competent reader; and I should very much apprehend, instead of a reform, we should have an alteration very much for the worse.

Mr. WALKER. I wish to join with the Senator from Virginia, in saying that I cannot think the complaint that our reading has been imperfect has been universal.

Mr. BUTLER. I do not complain.

Mr. WALKER. For my own part I can bear testimony with the Senator from Virginia, that the reading at our desk is the best I ever heard; and if the Senator from Illinois cannot distinctly hear it, let him complain of those who stand behind him, and near to him, who make noise by their talk and their movements, and not complain of the Secretary. It will be difficult for us to get a better reader than the one whom we now have. I never heard a person who could take up different handwritings, and read them with so little hesitation as that gentleman. I have wondered at it. I believe in one instance which I recollect, he misread a word, but it was so peculiar that he immediately became aware of the fact, and it was a subject of amusement to me. In reading the word "railroad," he called it "nailrod," and that I believe was the only mistake I ever heard him make. That was during the time when the subject of Pennsylvania iron was before us, and I do not wonder that nailrod and railroad iron should have been jointly occupying the mind of the reader.

But I do not know where the Senator has heard so much of these complaints. Doubtless he feels that there is a defect in the reading, but I think he attributes it to the wrong source. He is in the outside circle of seats in the Senate, and there is a good deal of noise there, and he doubtless has more reason to complain than those of us who are not so much subjected to the noise and confusion which surrounds him. Sir, I should regret exceedingly to see the risk run of getting a worse reader; and we have the testimony of the Senator from Virginia, that if the prominent man who is set up for this position should be selected, we shall have no reform, but a step backward in the conveniences adopted for the Senate. If it is intended to bring in a clerk here, new and inexperienced, who is to rank the old corps of clerks, who is to stand at the head of them, put them down and take precedence of them, I think it might justly be a subject of complaint. I hope it will not be done. I think we have tried our present clerks sufficiently to know that they will bear the test; and if we bring in a new clerk and put him over them, it may be a great inconvenience to us, and a great injustice both to the feelings and to the interests of the men whom we have so long tried. I think we shall be running a risk in doing it, and I am sorry to see the Senator from Illinois come forward with his influence to aid the proposition. I believe the resolution had better be postponed. I hope it will be, and that we shall at all events take the time which is proposed to be given to the Secretary to reflect and select, for our own reflection before we act in the matter.

Mr. PHELPS. During the short period of my service in this body, I have never heard the complaints of bad reading at the desk. That short period amounts now to about thirteen years, during which time we have had the same Secretary and I believe the same reading clerk. I have heard complaints that the reading at the desk could not be heard. I have had occasion very often to make that complaint; but the difficulty is not at the desk; it has grown out of a practice, which practice has grown up since I have been here, of admitting so many on the floor of the Senate. It is the conversation, the confusion produced by the introduction of persons who have no business here, which, in my judgment, produces the difficulty.

Now, Mr. President, I will ask a question which has been asked before. Where is the necessity of acting now? What duties is this new clerk to perform? Is there any deficiency in the force in the Secretary's office? It seems to me, that there is not. I think it will be a waste of money to appoint a reading clerk whose salary is to run from this time to the commencement of the next session.

The PRESIDING OFFICER. The Chair will suggest that the Senator who offered the resolution has modified it by directing the compensation to commence on the first day of the next session.

Mr. ADAMS. I will add that the Secretary will have until that time to make the selection.

Mr. PHELPS. Then, I have only to add that I think the next Congress can take care of its own affairs, without our making such a preparation. I may as well speak plainly. I have regarded this rather as a movement—though not perhaps so intended—to increase the patronage of the body; and I confess it reminded me of a presiding officer of a town meeting in Rhode Island, which was called for the purpose of electing a member of the Legislature, who opened the meeting and then called upon them to cast their votes for Dick Harris for the town's representative.

Mr. SHIELDS. I think the corps of clerks which we have now is sufficient, and I agree with the gentlemen who say that they are indisposed to bring in a new man to rank our clerks. I do not agree with my colleague that the reading here is bad or indifferent; on the contrary, when I contrast it with that in the House, I think we have excellent reading. In the House they have bawling and shouting; here we have reading: our clerk reads like a gentleman. I might have no hesitation in agreeing to something of this kind, if it were not that our Chief Clerk, one of the most faithful officers of the Senate, is to be superseded by it.

Mr. ADAMS. Not at all.

Mr. SHIELDS. Well, another is to be placed above him. That will be the effect of it, and it would be a great injustice. We all know that he has discharged his duties faithfully, and to the satisfaction of every one, not only at the desk but away from the desk. He has performed an amount of labor to my own knowledge that has astonished me; and I think it would be great injustice to bring in a man, not to supersede him exactly, but to rank him, for that is what it amounts to. If you make a change, place him in the position proposed, and let another take his place. That would be doing something like justice.

Mr. ADAMS. If the effect be as the Senator from Illinois seems to think, I certainly did not so intend it. One object in introducing the resolution, was to relieve the clerk to whom he has referred, Colonel Hickey, from the extra service which he now performs. We know that the duties which properly belong to him, could not be attended to by any other man, or at least, not without a great deal of experience; and it was in part, to relieve him from extraordinary labor, that I introduced the resolution.

Mr. SHIELDS. That is what I understand; but if we relieve him, let us do it by placing him in a higher position, and another in his place, for I apprehend we cannot get a better reader than Colonel Hickey, at least I have to hear a reader who satisfies me better than he does. I will ask another question. Do our officers ask for the change? Do they require this assistance? Does this emanate from them? If so, I would like to know it.

Mr. ADAMS. I can state that I am informed by the Secretary, that the legitimate business of the Chief Clerk, is to keep the minutes and record of the proceedings of the Senate; that the proper business belonging to the other clerk (Colonel Hickey) does not require him to come to the desk at all, but the duties which he performs here, are extra duties; that he needs aid. He did not ask this to be done, but he informed me that he needed a clerk whose business it would be to read.

Mr. BUTLER. I do not wish to protract this discussion, but as I have been brought into the debate justice requires me to bear my testimony, as far as it may be, as a matter of criticism. It has been said by the honorable Senator from Illinois, [Mr. Douglas,] that there is universal complaint that the reading at our desk is not done in a way acceptable to the Senate. I say I have heard of no such universal complaint, and if I were to pronounce a criticism, it would be that in pronunciation, emphasis, and deliberation—I do not say enunciation, because it may not be loud enough to suit the ears of some gentlemen, but in pronunciation, emphasis, and that deliberate intonation which can express the meaning of the paper—I think it is done with admirable propriety at our desk, and especially as regards the pronunciation of proper names. I say it is done with beautiful propriety. You may get a reader who can talk louder and speak as though he were calling for a ferry-man on the other side of the Potomac, or so fast that he could count shot rolled down from the Capitol. [Laughter.] You may have one with all that mechanical skill, loudness, facility, and rapidity, but as a matter of criticism, I do not agree that it suits my taste. It is a matter of taste; that is all. *De gustibus non est disputandum.*

Mr. DOUGLAS. I certainly have no special interest in this matter. I spoke of the complaint, which I thought was generally conceded to exist, and which I really believe has been smothered by kind feelings towards the officers. But it is more agreeable to us all to get up and compliment gentlemen, than to complain; and if I had consulted

my own feelings of delicacy, I would have complimented too, and aided in throwing this matter over; but I have thought for years that that complaint did exist. As my colleague has, injudiciously, I think, referred to one of the clerks by name, I will state that I have never seen a man in the public service whose business talents and prompt performance of duties, I more universally admired than those of Colonel Hickey.

I have no special desire about this matter. If the Senate are content, very well. I had nothing to do in originating it. I was not consulted about it; but when I saw an attempt to laugh it out of the Senate, I felt it due to frankness to express what I have so often heard in private—a deep anxiety that we could remedy it without changing the Secretary. I do believe that most of the desire to change the Secretary of the Senate, has arisen from the wish to remedy that evil; and my impression is that it will terminate in changing the Secretary in order to remedy the evil. But perhaps that is a mistake; I do not desire to see that. I have no feeling on the subject, and if the Senate are content with the reading, I have no more to say on the subject.

Mr. BORLAND. I never cast censure upon any one, if it be possible to avoid it, and I do not unnecessarily take any occasion to pay compliments; but the subject has been introduced, and as some difference of opinion has been expressed, I feel it but an act of justice, to say for myself, so far as the reading has been done by the gentleman referred to, I have not only been satisfied, but eminently gratified with it, on all occasions, and I should be sorry, as a member of the body, to see any change made, whereby we should lose his services in this particular.

Mr. DOUGLAS. To whom does the Senator allude?

Mr. BORLAND. To the one whose name the Senator mentioned—Colonel Hickey.

Mr. DOUGLAS. I do not understand that he has been reading clerk at all. I confess, if I am driven to particulars, that I think Colonel Hickey is the best officer at the desk; but I did not, in the first place, refer to him.

Mr. BORLAND. I have various reasons for opposing the resolution which has been offered, but if there is one stronger than another that induces me to oppose it, it is the fear of losing the services of that officer.

The question being taken by yeas and nays on the motion to postpone the consideration of the resolution until the first Monday in December next, resulted—yeas 25, nays 16; as follows:

YEAS—Messrs. Badger, Bayard, Borland, Butler, Chase, Clayton, Evans, Everett, Fish, Fitzpatrick, Houston, Hunter, Jones of Iowa, Mason, Morton, Phelps, Pratt, Seward, Shields, Smith, Soulé, Sumner, Thompson of Kentucky, Walker, and Wright—25.

NAYS—Messrs. Adams, Atchison, Atherton, Brodhead, Dodge of Wisconsin, Dodge of Iowa, Douglas, Hamlin, Norris, Pettit, Rusk, Sebastian, Stuart, Thomson of New Jersey, Toucey, and Weller—16.

So the motion was agreed to.

STUART'S NAVAL WORKS.

Mr. MORTON. Some days since I introduced a resolution directing the Secretary of the Senate to purchase for the use of the Senate five hundred copies of two works called "The Naval Dry Docks of the United States," and "The Naval and Mail Steamers of the United States," by the Engineer-in-Chief of the Navy. The works are very valuable, and I should have liked very much to have them purchased for distribution; but on reference to a clause in the deficiency bill of last session, to which reference was made yesterday, I see that it excludes such a proposition, and I therefore ask leave to withdraw the resolution.

Mr. SEWARD. I suppose that requires unanimous consent.

The PRESIDING OFFICER. If the Senator has no particular desire to withdraw the resolution, it can lie on the table without being acted upon.

Mr. MORTON. I do not desire its consideration. It was called up yesterday, and passed over at my request, and for the reason which I have stated I do not desire it to be acted upon. It is immaterial to me how it is disposed of.

HOUR OF MEETING.

The Senate proceeded to consider the resolution submitted by Mr. WALKER yesterday, changing the hour of meeting to ten o'clock, a. m.

Mr. MASON. I intended to have said, when that resolution was up before, that I think it would be particularly inopportune now. The object is that we may adjourn by one o'clock. Now, sir, we were called here particularly to deliberate upon Executive nominations, and those nominations generally come in between one and two, and we ought therefore to be in session then.

Mr. WALKER. I do not know whether I am correct or not; but my impression is that we do not get the nominations of one day until the day subsequent. My desires are not otherwise than I expressed yesterday, to sit here while the Cabinet are in session, so that we may have an opportunity to attend to business at the Departments.

Mr. MASON. I move to postpone the further consideration of the resolution until to-morrow, for the purpose of going into Executive session.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

THE MEXICAN BOUNDARY.

Mr. HOUSTON submitted the following resolution for consideration:

Resolved, That John R. Bartlett, late Commissioner, and A. B. Gray, late United States Surveyor of the Mexican Boundary, be authorized to furnish a report and plans to the Senate of the explorations made by them and by others connected with the Commission under them, on the topography, geography, and natural history of the regions adjacent to the line, with such information as was collected relative to the Indian tribes through Texas, California, and New Mexico; and that the work be executed under the supervision of the Department of the Interior in a style and form corresponding with the publication of "The History, Condition, and Prospects of the Indian Tribes," of H. R. Schoolcraft, now in course of publication, and Owen's Report on the Geology of Lake Superior: *Provided*, That the same shall not exceed two volumes. That one thousand copies be published for the use of the Senate, at as early a period as practicable, and the Secretary of the Senate is hereby authorized to contract for the publication thereof, and to defray the expenses out of the contingent fund.

The Senate then adjourned.

WEDNESDAY, *March* 30, 1853.

Prayer by the Rev. J. G. BUTLER.

DEATH OF MRS. FILLMORE.

Mr. SEWARD. Mr. President, I wish to make a motion which I hope will receive the favorable consideration of the Senate. Intelligence has been received here of the death of Mrs. Fillmore, wife of Millard Fillmore, late President of the United States. She died this morning. As a mark of respect, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and The Senate adjourned.

THURSDAY, *March* 31, 1853.

Prayer by the Rev. J. G. BUTLER.

On the motion of Mr. GWIN, the Senate proceeded to the consideration of Executive business; and after some time spent therein the doors were reopened.

CONGRESSIONAL GLOBE.

Mr. HAMLIN submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be authorized to contract with John C. Rives for a number of copies of the Congressional Globe and Appendix, equal to thirty-seven copies to each Senator, in addition to the number of copies now received by them; and that the price per copy shall not exceed the sum paid under the existing contract.

ADJOURNMENT.

Mr. HOUSTON. I desire to submit a resolution, for the purpose of asking its adoption now, that the Senate will adjourn on Saturday next.

Several SENATORS. Of this week?

Mr. HOUSTON. Yes; I am perfectly satisfied if we do not adjourn then that we shall be left without a quorum.

Mr. MASON. If that resolution is offered, I shall object to its consideration. I will state to the Senate that I wrote a note to the President this morning, asking him if he could, for the convenience of Senators, inform me when we could probably be adjourned. I received for answer that he thought he could probably get through a great share of the public business on which he would desire our action now, by Wednesday or Thursday of next week. As to a quorum, we had forty-two Senators here the day before yesterday, and I suppose there are at least forty now in the city.

Several SENATORS. And there are some coming back.

Mr. MASON. I think, with all respect to the honorable Senator from Texas, that it would not be altogether courteous to the President, under these circumstances, to adopt such a resolution.

Mr. HOUSTON. I am sorry that I cannot concur with the Senator from Virginia. If we do not adjourn by Saturday, I shall certainly go home. I offer the following resolution:

Resolved, That unless the President of the United States shall have further communications to make, the Senate will adjourn on Saturday next.

Mr. MASON. Let it lie over.

NANTUCKET LIGHT-HOUSE REPORT.

Mr. HAMLIN submitted the following resolution:

Resolved, That one hundred copies of the report of the Secretary of War, with the report of Major Bache, relative to the light-house structure on New South Shoals, off Nantucket, heretofore ordered to be printed for the Senate, be printed for Major Bache.

MESSENGER TO THE SENATE.

Mr. BADGER submitted the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to employ Preston Starritt, as messenger, from the first day of April, and that during the recess he shall, under the direction of the Sergeant-at-Arms, take care of the Senate committee rooms, and perform such other duties as may be assigned to him.

PATENT OFFICE BUILDING.

Mr. HOUSTON submitted the following resolution:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to furnish the Senate with a report of an examination, on file in the Department of the Interior, made of the Patent Office building in 1851, under the direction of the Commissioner of Public Buildings.

On motion by Mr. JONES, of Iowa, the Senate adjourned.

FRIDAY, *April* 1, 1853.

Prayer by the Rev. J. G. BUTLER.

Mr. MASON. I desire to withdraw the memorial of Francis W. Rice, late American Consul at Acapulco, and the documents accompanying it, relative to outrages committed upon him and other American citizens by the Mexican authorities. In asking leave to withdraw these papers, I wish to say that the memorial was referred to the Committee on Foreign Relations at the last session, but it was at a very late day and it was impossible for the committee to act upon it. I have since examined it together with a communication from the President, communicating information relative to the same subject. It manifestly appears that very great and cruel oppression was exercised by the Mexican authorities at Acapulco on the person of this consul. He was treated with indignity and eventually imprisoned; and so far as we are informed no redress was obtained by the Government of the United States. The consul, as he informs me, desires to lay his memorial before the present Administration, with the view to obtain the redress which it is manifest from the papers is due to him and to this Government. I ask leave to withdraw the papers.

Leave was granted.

UNITED STATES BONDS ABROAD.

Mr. BRODHEAD. I desire to lay upon the table the following resolution, which I will call up in a day or two:

Resolved, That the Secretary of the Treasury be required to procure, so far as practicable, and furnish the same to the Senate at the commencement of the next session of Congress, the following information, to wit:

The aggregate amount of Federal, State, city, county, railroad, canal, and other corporation bonds, stocks, or other

evidences of debt, held in Europe and other foreign countries, on the 30th June, 1853, specifying separately, so far as the same can be ascertained, the amount of each of the above description of bonds and stocks.

CLERKS TO COMMITTEES.

Mr. SHIELDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate pay such clerks of committees as have been employed during this extra session, the usual compensation for the time they may be so employed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after about four hours and a half spent therein, the doors were reopened,

And the Senate adjourned until Monday.

Monday, *April* 4, 1853.

Prayer by the Rev. J. G. Butler.

PERSONAL EXPLANATION.

Mr. GWIN. I ask the indulgence of the Senate for a few moments for the purpose of making a personal explanation in regard to what is published in one of the newspapers of this city as part of the report of the Committee on Frauds, &c. It is in reference to a statement made by a late Senator from New Hampshire [Mr. Hale] during the last session of Congress, in which he alleged that individuals outside of Congress had procured the passage of the law giving additional compensation to officers, seamen, and marines serving on the Pacific coast. When the Senator from New Hampshire made the statement—speaking for the Senate and the Naval Committee, to which the subject had been referred at an early period of the last Congress—I pronounced it false, because I knew it was false. I stated at the same time that the subject had been considered in committee at an early period of the first session of the last Congress, and the committee were unanimous in favor of granting the additional compensation, and I will now prove this fact by reading to the Senate the bill I reported on the 24th of February, 1852, six months before the naval appropriation bill was considered in that committee:

"That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to the officers, petty officers, seamen, and marines of the United States Navy who served in the Pacific ocean, on the coast of California and Mexico, during the late war with Mexico, such additional compensation as shall be equivalent to the amount of pay accruing to such officers, petty officers, seamen, and marines during the period aforesaid."

This, Mr. President, was the deliberate action of the committee more than six months before the clause in the appropriation bill covering the same object was acted on in committee or in the Senate. One of the members of the committee [Mr. Stockton] had served on the coast of California; he had commanded the seamen and marines there who aided in the conquest of the country. A large portion of them were my constituents, and that distinguished Senator and myself took a special interest in the matter; and no person ever did approach us on the subject, directly or indirectly, nor, as I believe, any member of the committee. We considered that it was our duty to give this additional compensation to these gallant men, and we needed no prompting to induce us to perform that duty. Subsequently it was determined in committee, as there was a doubt if the bill passed the Senate whether it would be acted on in the other House, that an amendment should be offered to the naval appropriation bill whereby the officers, seamen, and marines who served on the coast of California would be placed on the same footing with the officers and soldiers of the army in service in California and Oregon by the act of 1850. Under the instructions of the committee, I did move the following amendment, which passed, but a single member of the Senate objecting to it:

"That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow and pay, out of any money in the Treasury not otherwise appropriated, to the officers, petty officers, seamen, and marines of the United States Navy, and officers and men of the revenue service, who served in the Pacific ocean, on the coast of California and Mexico, during the late war with Mexico, and since that period, the same increased or additional compensation as has been by law directed to be paid to the officers and soldiers of the army who served in California."

The Senator from Virginia [Mr. Hunter] objected to it, but said that he was "willing to give to them the additional pay, by taking the provision as it came from the House." I then read the clause in the Army appropriation bill of 1850, in these words:

"For extra pay to the commissioned officers and enlisted men of the army of the United States serving in Oregon or California, $325,854, on the following basis, to wit: that there shall be allowed to each commissioned officer as aforesaid, whilst serving as aforesaid, a per diem, in addition to their regular pay and allowance of two dollars each; and to each enlisted man as aforesaid, whilst serving as aforesaid, a per diem, in addition to their present pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay of the enlisted men to be retained until honorably discharged. This additional pay to continue until the 1st of March, 1852, or until otherwise provided."

The Senator from Virginia then said:

"I am willing to add the fifty per centum which we agreed to in relation to the Army. I have no idea that the House will agree to it."

This was the only opposition the proposition met with in the Senate.

The Committee on Naval Affairs acted on this subject in February, 1852, when I reported the bill, a section of which I have read; which was, with a slight modification, to make it more acceptable to the House of Representatives, incorporated in the amendment to the naval appropriation bill; and therefore my statement in reply to the insinuation of the Senator from New Hampshire was strictly correct, that no outside influence induced the committee to act upon that matter.

My remarks were made without having the slightest intimation that any particular individual was implicated in the remarks of the Senator from New Hampshire, for I had paid no attention to what he was saying until I was warned that he was attacking the Naval Committee. Subsequently I was called on by Mr. J. Knox Walker, and informed that he was the person alluded to by the Senator from New Hampshire. I recollected that he had exhibited some activity in regard to the amendment to the naval appropriation bill, but not by way of influencing the opinions of members of the committee, for those opinions had been known to the Senate month's before, on the bill which I have read. As to the particular wording of the amendment, or who drafted it, I was indifferent, if it covered the object of the committee. I had no especial recollection of Mr. Walker's action in the matter; and as he had prepared a statement of the facts which he had or said he was ready to verify by his affidavit, I indorsed its correctness, believing him to be a gentleman of veracity. This had not the slightest reference to the action of the committee, which had been matured more than six months before.

The report of the Select Committee on Frauds says that I explained the "discrepancy" in my statements, by saying that I supposed, at the time when Mr. Hale made his remarks, that he alluded to another bill. The report of the committee does not state the facts correctly. There was no discrepancy in what I said in reply to Mr. Hale, and my indorsement of Mr. Walker's statement. The committee had acted upon the subject months before Mr. Walker pretends that he had any intercourse with any member of it in reference to the matter. We reported a bill, which was on our calendar. Did he cause us to report that bill? Did he ever approach a member of the committee when we were deliberating on the subject? It is not pretended that he did. We subsequently incorporated the substance of our bill in an amendment to the naval appropriation bill. In the action of Congress on this question at that period, in his statement he says he did take an active part, not to influence the Senate or its Naval Committee, for both were in favor of giving the increased compensation; but his labors seem to have been directed to the House of Representatives and the Committee of Conference. Neither he nor any other man ever induced the Naval Committee of the Senate, or any member of it, to adopt the principle that this additional compensation should be paid to the officers and seamen and marines who served on the Pacific coast.

I merely make this statement that it may go upon the record, to show that there is no discrepancy in anything that I said on the subject.

UNITED STATES BONDS ABROAD.

The Senate proceeded to consider the following resolution, submitted by Mr. Brodhead on Friday last:

"*Resolved*, That the Secretary of the Treasury be required to procure, so far as practicable, and furnish the same to the Senate at the commencement of the next session of Congress, the following information, to wit:

"The aggregate amount of Federal, State, city, county, railroad, canal, and other corporation bonds, stocks, or other evidences of debt, held in Europe and other foreign countries, on the 30th June, 1853, specifying separately, so far as the same can be ascertained, the amount of each of the above description of bonds and stocks."

Mr. BRODHEAD. The information sought to be obtained by this resolution is important, and will be useful not only to the country, but to the Senate, in considering measures which may and probably will be brought forward at the next session proposing a revision of our revenue laws. It can be obtained with some degree of accuracy by circulars addressed by the Secretary of the Treasury to the Governors of States, presidents of railroad and canal companies, executive officers of cities, and other municipal corporations, &c. The Federal and State indebtedness abroad can be ascertained with absolute certainty.

Notwithstanding the large importation of California gold, which I fear has done considerable to increase avarice and banish industry, we have contracted a large foreign debt, which is increasing with a fearful ratio of rapidity. The Legislatures of nearly all the States in the Union seem to be devising ways and means to get in debt. Many people and legislators seem to think the world can be legislated into the millennium, and wealth acquired by going in debt. I know this is a fast age, but I regret to see so many people endeavoring to get rich without industry, economy, or frugality—the life-giving principles of a Republic. In view of the speculating spirit of the country and the number of State and corporation bonds sold in Europe, it seems impossible to have anything like stability in our revenue laws. It seems to be impossible to make tariff laws which will stand against the ways of Providence, the course of commerce and trade, and the influence of a speculating mania. What is protection one year is none the next, and what is a revenue standard one year is none the next. I hope, therefore, in view of these and other considerations, that all will hereafter agree to take the subject out of the arena of party politics.

Mr. President, I have collected some statistics, and made some estimates, which I will proceed briefly to exhibit to the Senate, for the purpose of showing our commercial and monetary relations with foreign countries, and the propriety of adopting the resolution under consideration.

The value of imports into the United States during the fiscal year ending the 30th June, 1852, was.....	$207,109,738
The value of exports was.....	166,967,490
Difference against United States..	$40.142.948

The above are predicated on the official returns of the custom-houses, but they are of course only approximations to the facts of the case, as there are several deficient elements to insure their accuracy.

The imports, for instance, are based on the invoices produced on entry at the custom-houses, and on which duty was levied, and therefore no allowance is made for frauds in undervalued invoices. What this item may amount to it is impossible to say, but I should think ten per cent. on the aggregate declared value would be a reasonable estimate. Nor does the above value of foreign imports embrace the actual smuggling of foreign fabrics, which on our lake and Mexican frontiers, and on the numerous rivers and bays on the Atlantic board, must be very considerable, and probably in the aggregate may amount to four or five millions of dollars.

On the other side, the value of our exports is the cost at the shipping ports, and does not embrace the increased value which foreigners pay us for them delivered in their ports, which increased value consists of the freight so far as the merchandise has been conveyed in American vessels, insurance, profits, &c. It is, of course, impossible to arrive at anything like a correct estimate on the

above points; but, after a good deal of examination and reflection on the subject, I have come to the conclusion that these uncertain items, connected with the imports and exports of the country, probably about balance each other, or, in other words, that the undervaluation of foreign invoices and the value of smuggled goods may be about an equal offset to the difference between the home valuation of our exports and the value which foreigners pay us for the latter delivered at their ports, with the addition of freight, insurance, profit, &c. On this basis, therefore, though the figures given by the custom-house returns may not be correct, yet *the result* is about the truth, and the real balance against us in our foreign trade for the last fiscal year may be stated at the above sum, or, in round numbers, say $40,000,000; for which we have provided by shipments of specie, or by the transfer and sale of stocks. The balance certainly cannot be less than the sum I have named, because many of our exported articles are taken in foreign vessels on foreign account.

But this by no means exhibits the full balance that has been accumulated against us by foreigners during the last fiscal year.

Our best informed citizens, and those most conversant with the subject, estimate our present indebtedness to foreigners, principally to Europe, in the shape of Federal, State, city, county, railroad, canal, and other corporation bonds and stocks, is, in the aggregate, not less than $300,000,000, which, at an interest of six per cent., would give an additional *annual* amount of $18,000,000 to be provided for.

The expenditure of our citizens traveling in Europe has been estimated at as high as ten millions annually; but though this class of citizens are among the most wealthy, and make a lavish expenditure abroad, I think this amount is overestimated, and that five millions would be nearer the mark, and certainly does not exceed the actual outlay for that item.

The maintenance of the navy on foreign stations, and the diplomatic expenditures, amount to about three millions more. The payment of the indemnity to Mexico under the treaty of peace has for the last few years involved an annual foreign expenditure of three millions more; but, the last of this indemnity having been paid, no future outlay on that score will be required.

The remittances by our Irish immigrants to their friends in Ireland involve an amount which makes it an item of national importance. A late English paper states that the receipts from this source are equal to the whole of the poor rates of Ireland. There are large and wealthy firms in our sea-ports who make it a principal part of their business to furnish such parties with small bills of exchange, of from £1 to £5 sterling, for which they charge an extra rate, and realize a heavy profit. The remittances under this head will, at a very low estimate, be at least five millions of dollars per annum. Something considerable is also sent out by German and other immigrants.

Against all these items of *unrecorded outgoings*, I know nothing *incoming*, except what money may be brought by immigrants, which probably may be estimated at ten millions of dollars per annum.

The account current, then, of the United States for the last fiscal year with foreign countries will stand as follows:

Excess of imports over the exports of the country	$40,000,000
Interest annually payable to foreigners on the stocks, &c., held by them	18,000,000
Expenditures of travelers	5,000,000
Navy and diplomacy	3,000,000
Installment to Mexico	3,000,000
Remittances to Ireland	5,000,000
Total	$74,000,000
From this deduct the probable amount of gold and silver brought into the country by immigrants	10,000,000
Leaving the sum of	$64,000,000

as the balance against the United States, toward the settlement of which we have the official record of the exportation above the importations of $37,000,000 of gold and silver, and the balance of $27,000,000 has no doubt been liquidated by the remittance of Federal, State, and other stocks.

From present appearances, the probable balance of the current year will not be less, and is likely to be even more, which will make a further drain upon our gold and silver, and add a further amount to our foreign indebtedness by additional transmissions of stock, thus heaping up the European mortgage upon the future labor and earnings of the country. The prospect is anything but agreeable to contemplate. No wise or prudent man would, in my judgment, thus go in debt; nor do I think it sound policy or the true path of duty for a nation to do it. I think I see in this state of things, some of the symptoms, although not all, which preceded the break-down of 1840. For the reasons which I have stated, I hope the Senate will adopt the resolution.

Mr. SEWARD. Not only shall I vote cheerfully for the resolution which has been submitted by the Senator, but I also thank him for introducing it. It will bring before the Senate and the country information which will be useful and may become even absolutely necessary. But, at the same time, lest by doing so I might be understood as in some way concurring in the rather somber views which he has taken, I wish barely to say that I do not see in the present state of our affairs anything to excite the apprehension of a speedy commercial revulsion. I know that commercial revulsions must come; and I know that all the circumstances of great commercial prosperity are to be regarded as frequently indicating the approach of a period of decline and disaster.

But I think there is a mis-estimate in the statistics which the honorable Senator has furnished, the correction of which will go far to remove the apprehensions which he has expressed. The item that he sets down in his statistics of the coin brought into this country by immigrants I think is underestimated. If I recollect aright, the number of immigrants to this country has now passed beyond four hundred thousand, and is tending towards five hundred thousand per annum. The little acquaintance I have with the subject has convinced me that the amount of gold and silver brought by these immigrants is much larger than he makes it. The increase of population by immigration is crowding close upon the native increase. In the statistics which he has read he has not made allowance for the profits which are made by our own merchants upon the importation of this great amount. There is another item which I think should be taken into the calculation. At the expiration of an average period of five or six years, all these immigrants become producers—chiefly agricultural producers in the great West; and they, with their children and their children's children, are constantly increasing the wealth of the country in a geometrical ratio. There is another point which goes to dissipate any apprehension of a speedy revulsion, and that is, that the amount of gold that we can export is an amount within certain limits subject to our own power of increase. We export now what is wanted. We export no more because Europe wants no more. She will take no more. But if there comes a return of American credits or stocks, or other forms of remittances, the increased amount which we shall send will supply that which comes back upon us. If it is said that that will be a drain from our own country of gold, I answer that the increased demand for gold there and here will be attended by increased facilities to transport to the mines the laborers and the capital which will be necessary to increase the supply of gold. With that will come a reduction of the cost of mining, and an increase of the amount produced.

These circumstances, which stand out prominently upon the first view, incline me to believe that for the present there is no serious ground of apprehension. If the remarks of the honorable Senator had gone abroad without being accompanied by some adverse explanation, there might have been a misapprehension excited in the public mind. At the same time, as I stated before, I shall cheerfully support the resolution; for I agree entirely with him, that, instead of sending paper to England, we had better send gold; and instead of sending either, we had better send whatever we can produce by cultivating the soil or by manufacturing its products.

Mr. BRODHEAD. I did not wish to be understood as expressing the opinion in the few remarks which I submitted, that anything like a commercial revulsion was to be apprehended. It was with a view to prevent such a revulsion either in the proximate future or at some distant day, that I thought it necessary to bring to the notice of the Senate and the country, the facts which I have submitted. I think it proper that we should look the truth in the face, and not proceed in the manner we did prior to 1840, in selling so many railroad and other corporation and State stocks.

The resolution was agreed to.

NANTUCKET LIGHT-HOUSE REPORT.

The following resolution, submitted by Mr. HAMLIN on the 31st ultimo, was considered and agreed to:

"*Resolved*, That one hundred copies of the report of the Secretary of War, with the report of Major Bache, relative to the light-house structure on New South Shoals, off Nantucket, heretofore ordered to be printed for the Senate, be printed for Major Bache."

EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. SHIELDS. I hope my friend from Virginia will withdraw that motion for a moment. I promised the Senator from North Carolina, [Mr. BADGER,] if he was not here this morning, to call up a resolution which he submitted a few days ago.

Mr. MASON. What is it?

Mr. BRIGHT. I suppose it is the resolution in relation to the employment of an additional messenger.

Mr. MASON. I insist on my motion.

The motion was agreed to; and the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

TUESDAY, *April* 5, 1853.

On motion by Mr. JONES, of Iowa, it was

Ordered, That Daniel Knipps and Lewis Ralston have leave to withdraw their papers from the files of the Senate.

On motion by Mr. GWIN, it was

Ordered, That Maria C. J. Johnson, David W. Alexander, and H. P. Dorsey, have leave to withdraw their papers from the files of the Senate.

SENATE DEBATES.

The Senate proceeded to consider the following resolution, submitted by Mr. HAMLIN on the 31st ultimo:

"*Resolved*, That the Secretary of the Senate be authorized to contract with John C. Rives for a number of copies of the Congressional Globe and Appendix, equal to thirty-seven copies to each Senator, in addition to the number of copies now received by them; and that the price per copy shall not exceed the sum paid under the existing contract."

Mr. GWIN. I offer the following as a substitute for the resolution; to strike out all after the word "resolved," and insert:

That the Secretary of the Senate be authorized to contract with John C. Rives for a number of copies of the Congressional Globe and Appendix equal to thirty-seven copies to each Senator, and that the price per copy shall not exceed the sum now paid.

Resolved, That the Secretary be also authorized to enter into a contract with the editors of the Union and Intelligencer to publish in their respective papers from the commencement of the next session, the revised debates of the Senate, at the rate of seven dollars per column, and to revoke any existing contracts with the editors of the said two papers for reporting and publishing said debates: *Provided, however*, That the editors of the Intelligencer be paid seven dollars and fifty cents per column for the debates and proceedings of the Thirty-second Congress, published and to be published in said paper.

My object is to have these debates published in papers that have some circulation. The reports that have been published in the Intelligencer during the last Congress have been very accurate, and although concise they have contained the substance of the proceedings of the two Houses of Congress, certainly of the Senate, and their insertion has prevented profitable advertisements that would otherwise have been inserted. I hope the proposition will be agreed to.

Mr. SEBASTIAN. I hope this resolution will be informally passed over for the present. My colleague, [Mr. BORLAND,] who I observe is not now in his seat, takes an interest in the subject, and wishes to discuss it, as he is one of the mem-

bers of the Committee on Printing. I am satisfied that he will be here; and I hope, therefore, the resolution will be informally passed over.

It was passed over.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

PRINTING OF A REPORT ON COMMERCE.

When the doors were reopened the Senate was engaged in the consideration of a resolution reported by Mr. DODGE, of Iowa, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which a resolution had been referred directing it to report whether the compensation and expenses of the agent employed to procure and compile the information called for by the resolution of the Senate of March 8, 1851, is payable out of the appropriation for the contingent expenses of the Senate, and if not, how the same should be paid. The resolution reported from the committee is as follows:

Resolved, That the committee be discharged from the further consideration of the resolution, and that it be referred to the Secretary of the Treasury.

Mr. HAMLIN. I would inquire if the Secretary of the Treasury would, under the resolution, be authorized to make any payment? What appropriation is there out of which it could be made?

Mr. BRIGHT. The appropriation asked for is for services in collecting statistical information under the direction of the Secretary of the Treasury. The committee have come to the conclusion that if the contingent fund provided for his Department cannot be applied to the purpose, certainly the contingent fund of the Senate ought not to be applied to the payment of this claim, amounting as it does to $12,000. It should be provided for properly, in an appropriation bill, under the recommendation of the Secretary of the Treasury. The Committee on Contingent Expenses could not consent that such a claim, and one of such size, should be paid out of our contingent fund.

Mr. HAMLIN. I know something about this matter, and I agree fully with the Senator from Indiana, that it is a case in which an estimate should have been furnished by the Department, and there should have been an appropriation made for it in a regular appropriation bill. I think there was an estimate, or something resembling one, furnished to the chairman of the Committee on Finance, at a late hour of the last session—so late an hour that he was not able to give it that investigation which it demanded, and no appropriation was made. Mr. Andrews has collected a mass of facts which will be valuable to the country in its commercial relations. He has presented a statement of the commerce of the surrounding colonies and the domestic commerce of some portions of this country, together with a statement of the productions of some of the southern sections of the country, which will render his work very valuable; and it is clearly right that he should receive his pay. He was employed by the late Secretary of the Treasury. I have no objection to his being paid out of the contingent fund of the Treasury Department. I think it would be somewhat more proper; but inasmuch as it was purely an oversight that an appropriation was not made for it, and as the Senate has taken the document and printed it, I think we should pay some portion of the expense out of the contingent fund which could be reimbursed at another session. However, if the payment can be made in the way suggested by the report of the committee, I have no objection; but I would much rather pay a portion of the claim out of the contingent fund than allow the man to go unpaid entirely.

Mr. DODGE, of Iowa. I agree with the Senator from Maine, that the work is a valuable one. I think, however, that this is not a charge that ought to be made on, and not one cent should be paid out of our contingent fund. If we establish the precedent it will add very greatly to the embarrassments which are now occasioned by calls upon that fund, and originate claims the extent of which we cannot foresee. Another reason why we should not pay it out of the contingent fund is, that the committee has not investigated it. Having decided primarily that it was not proper to be paid out of the contingent fund, we did not investigate it all, and are, therefore, not able to pronounce what the amount ought to be, or what portion of it the Senate should pay. The work was done entirely under the direction of the Treasury Department. The instructions issued from it. The report was made to it, and it is therefore proper that it should be paid for there and not here. It should, in my judgment, be provided for by an appropriation at the next session of Congress.

Mr. BRIGHT. The resolution under which the services were performed was introduced into the Senate by the late Senator from New Hampshire, [Mr. HALE,] and was adopted on the 8th of March, 1851, and is as follows:

"*Resolved*, That the Secretary of the Treasury be requested to communicate to the Senate as early as possible at the next session, full and complete statements of the trade and commerce of the British North American Colonies with the United States and other parts of the world, inland and by sea, for the years 1850 and 1851, with such other information as can be procured of the trade of the great lakes."

That shows clearly that the work should be paid for either out of the contingent fund of the Treasury Department, or by an appropriation specially made for the purpose. It is evident to my mind that it should be paid by an appropriation from the Treasury, for the reason that the account, as any one will see by referring to it, is made up of various sums, such as postages and miscellaneous items generally; and referring it to the Committee on Contingent Expenses would be nothing more nor less than giving them power to pass a law authorizing the payment of the several items. But the Senate is already aware that there is some prejudice existing in consequence of the amount of expenditures from our contingent fund, which has gone up to an amount over $300,000 per annum. The object of the committee is to rule out every claim which is not legitimate and proper to be paid out of that fund; and this is clearly such a claim.

The question was taken on the resolution, and it was agreed to.

OPEN EXECUTIVE SESSIONS.

Mr. CHASE submitted the following resolution for consideration:

Resolved, That all sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President, shall be received and considered, and in such other cases as the Senate by resolution from time to time shall specially order; and so much of the 38th, 39th, and 40th rules as may be inconsistent with this rule is hereby rescinded.

CHARGES AGAINST GOVERNOR RAMSAY.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested to cause to be investigated the charges of fraud and misconduct in office alleged against Alexander Ramsay, Superintendent of Indian Affairs in Minnesota, and which were referred to the Committee on Indian Affairs by a resolution of the 10th January last, and to report the results of such investigation to the Senate at the next session of Congress, and that the record of the proceedings of said committee under said resolution be referred to the President, and be subject to such order as he may make therein.

THE MEXICAN BOUNDARY.

The Senate proceeded to consider the following resolution, submitted by Mr. HOUSTON on the 30th ultimo:

"*Resolved*, That John R. Bartlett, late Commissioner, and A. B. Gray, late United States Surveyor of the Mexican Boundary, be authorized to furnish a report and plans to the Senate of the explorations made by them and by others connected with the Commission under them, on the topography, geography, and natural history of the regions adjacent to the line, with such information as was collected relative to the Indian tribes through Texas, California, and New Mexico; and that the work be executed under the supervision of the Department of the Interior in a style and form corresponding with the publication of "The History, Condition, and Prospects of the Indian Tribes" of H. R. Schoolcraft, now in course of publication, and Owen's Report on the Geology of Lake Superior: *Provided*, That the same shall not exceed two volumes: That one thousand copies be published for the use of the Senate, at as early a period as practicable, and the Secretary of the Senate is hereby authorized to contract for the publication thereof, and to defray the expenses out of the contingent fund."

Mr. HUNTER. This is an important matter. I hope we shall not go into it now. There is no pressing necessity for doing so. It is a proposition to print another very expensive book. I do not know how far it comes in conflict with the provision of the deficiency bill passed at the last session in regard to the distribution of books. I should like to look to that. I hope it will be laid over, and I will look into it by to-morrow.

Mr. HOUSTON. I do not know that the expense is a matter of any great importance if the information is important, as I think it is. The gentlemen referred to in the resolution are both scientific men. They have had a long time to make their observations. They have had an opportunity of digesting and putting them in the best form for presentation to the world. I think that the character of the information proposed is as important as any that can come before the Senate, and there is no other opportunity of obtaining it. The American people are interested in it; and if some expense shall be the consequence of it, I do not see that that is any particular objection to it. I hope the resolution will be adopted. I would not call for the information unless I believed it of importance, and unless I was convinced that there was no other way of obtaining it. If there is another way of obtaining it, and gentlemen are satisfied that it can be obtained in a better way, I will accede to anything they propose. But if there is no other plan proposed, I shall certainly insist upon this plan, on the ground that the information is important, needful, and necessary.

Mr. BORLAND. I would suggest that we should pursue the plan in this case which is usually pursued. I believe a person engaged in an exploration is to report to the Department, and if the Department, upon examining the report, deems it of public interest and value, it can be sent to either House of Congress with a recommendation for its publication, and the mode in which it is to be published can then be determined. That I think is the usual mode; and it would be better for us to pursue that mode in this case; for when we come to look at the expense which this work will involve, and our experience in publishing books of this kind, we will find that the contingent fund of the Senate would not be one fourth large enough to publish it. The cost of the publication alone of the work of Schoolcraft, to which the resolution refers, was something like $100,000. We have got three volumes, and they have not cost less than that amount. And Dr. Owen's book, which is a very valuable one, I think cost over $30,000, and it is perhaps the cheapest book ever published by Congress. It was published under the supervision of the General Land Office, and Dr. Owen has been permitted to supervise it and make all the contracts; and to my astonishment he has reduced the cost to less than four dollars per volume, as he informs me; but he has done it by pursuing a course which nobody else has ever done He has gone in person to examine the engraving establishments, so as to procure the engravings and wood-cuts on the best terms, and in the best manner, and made contracts lower than anybody else has ever done. Then if we look at the publication of Mr. Wilkes's book, which has been in progress for some ten or twelve years—I say look at the cost, not at the book, for I believe very few have an opportunity to see the work at all—we have been paying $25,000 or $30,000 for that. I mention this, I wish the Senator from Maryland to understand, not to assail the work or its character, but as an instance of the expense of publication. It will, however, be understood that these have been in the form of reports made, and then it has been a matter of discretion with the Departments and with Congress as to the mode of publication. I think that will be the better course to pursue in this case.

Mr. PEARCE. I think this resolution had better not be passed now. The Commission on the Mexican Boundary has not yet closed its labors, and a large amount of information can probably be obtained which has not yet been reported; and I suppose a large amount will be included in the report of the Commission. I think it better in every point of view to get all the information we can, if we are to make the publication, and that therefore it will be better to postpone it until the whole survey shall be completed. We shall then have the labors of all the different officers together with the probable amount of the

expense of the publication, and shall be enabled to act with more light upon the subject. I therefore think it inexpedient to act now.

Mr. BRIGHT. Before I vote upon the resolution, I should like to know from the honorable Senator from California, [Mr. WELLER,] who was formerly the Commissioner on the Boundary, whether he has not in contemplation for publication a work also? I should not like to give a vote in conflict with his wishes, and I therefore should like to hear from him. [Laughter.]

Mr. MASON. I agree entirely with the suggestions made by the Senator from Arkansas in regard to the plan adopted for the publication of works of this description. We should at least have some notice in advance of what is to be published. Now, the Commissioner and the Surveyor on the Boundary Commission were responsible to the Department of the Interior, and it was their duty to make a report to that Department of all the official matters committed to their charge. The duty prescribed by law was simply to run and mark the boundary line between the United States and Mexico; but I see by the instructions from the Department, which perhaps were very proper, they were instructed further to make as far as they could an examination of the natural history of the country, its productions, &c. How far those gentlemen were competent for the discharge of this incidental duty, is a matter which I would be very sorry in my place in the Senate to determine, unless the work is first submitted to us, and we have some information about it. As has been said, and properly said, by the Senator from Maryland, [Mr. PEARCE,] this work is unfinished; and the action that has been taken on the work of the late Commissioner is of a character, I should think, very little to recommend it to the confidence of the Senate. We were obliged to withhold the appropriation for the continuance of the Commission because, in the judgment of the Senate, the Commissioner had departed from his proper duties in fixing the boundary line; and I am informed from an official source, since that Commission has been broken down and returned home, that the Surveyor, Mr. Emory, who was there conducting the survey, never had the pleasure of an interview with the Commissioner during the whole time he held office—more than twelve months. He was in the line of his duty prosecuting the survey while the Commissioner was, God knows where, exploring I suppose the interior of Mexico and finding the materials for this work. I want information on all these subjects before I can sanction anything done by that gentleman. I do not mean to prejudge him. I have no information to enable me to do it. But let him make his report to the Department of the Interior, and then if the work is of sufficient merit, after bringing it along side of, and collating it with the works of his predecessor and successor, let them be published as a whole; but I should regret extremely to take any step now to publish it when I do not know what it is.

Mr. HOUSTON. I think the remarks of the honorable Senator from Virginia strengthens the position which I have taken. He says that the Commissioner was absent from the particular duty of running the line God knows where in Mexico I have no doubt in the world that he has collected and collated some very interesting facts which will make a very interesting work, if we had all the minutiæ which he would be enabled to give. It appears to me that it more strongly urges the resolution than what I had said before. I think it very important that we should have it.

Mr. MASON. I will ask the honorable Senator a question. The resolution requires the officers to report to the Senate. Now, I will ask the Senator if he has any information why the officers have not reported to the Department of the Interior?

Mr. HOUSTON. It is understood that the Department of the Interior is supposed to suppress very important facts, and not give them to the world. I want those facts. They relate principally to the section of country which I in part represent. They relate to the entire country between Texas and California. They are very important to the region of country, and not only to that region, but to the whole country. It is important to obtain the information which otherwise may be suppressed for years, and not brought forth to the world. I have reason to believe that the facts are very important, and that the country will be materially benefited by them; and we will better understand the subject of our future action, not only in the Senate, but in the House of Representatives; and it will be understood throughout the whole country. We are all interested in our western frontier—the country connecting California with the Atlantic coast. We are interested in all these things. For that reason, I urge the adoption of the resolution. I have no particular interest in regard to it. It seems to me to be very reasonable. We are in the habit of spending money on other subjects, and I do not see why we should not be making books, for I find a great demand for them, and I am told the demand is increasing every day. I have heard that when gentlemen have transmitted Owen's Report from here to their various localities, those reports did not get half way. They are stolen out of the mails. That proves the great value of the works, and the great anxiety of the people for intelligence, [laughter,] and urges the necessity of getting a bountiful supply of books by the Senate. I have been so well guarded, that I have ordered all that I have received to be boxed up, and it will cost me two or three thousand dollars to get them home for distribution in Texas. [Laughter.] I am not afraid of the mails being robbed there. They can be distributed there. But I cannot take the risk of mailing them here. Now, Mr. President, I insist that the vote shall be taken on the resolution.

Mr. BUTLER. We are called upon to edit a book the contents of which not one Senator here knows anything about. We are required to edit a book of geology, mineralogy, entomology, biography, astronomy—an encyclopedia containing materials furnished by whom? I want to know something of this book from some other source than Mr. Bartlett or Mr. Gray. The resolution would imply that they are the only two authors of the book; but there are others to whom credit should be given. I take the liberty of mentioning the name of one—Colonel Graham. I will answer for it that he made a larger contribution than almost any other gentleman.

A SENATOR. And Major Emory.

Mr. BUTLER. Yes, sir, and Major Emory. Those gentlemen ought to be consulted. It seems to me entirely premature to take a book in the gross in this way without the indorsement of some literary person who has examined it. The best way, I suppose, is to edit the book, and then look at it, for that is the proposition.

One word upon these books which are so much praised. I would like to know how so many of them get into the bookstores? I would like to know how so many of the documents published by the authority of the Senate get into the bakers' shops, to wrap up the bread with? [Laughter.] How many books are sold by the pound in many shops and stores of this District? Sir, they do not even go to the mail. They leave the hands of members of Congress and go into those shops, or into the bookstores. How they get there I cannot tell; but that they are there everybody knows; whether they are purloined by some subordinate or the members of Congress are indifferent to them, and let them be distributed in that way. I suppose the honorable Senator from Texas when he spoke of the books being stolen out of the mail, did not allude to the mail that goes south, and did not suppose that they would be purloined in North Carolina, South Carolina, Georgia, Alabama, or Mississippi. I hardly know in what portion of the country through which the mail runs, there is such a literary mania. It may be on the road to Texas itself. [Laughter.]

Mr. HOUSTON. I certainly intended to cast no reflection on Carolina, North or South, but I do not know that their general character for literature might not justify me in representing them to have such a desire for books. [Laughter.] I certainly did not intend to impute the purloining to Carolina, because where the mails are sent in cars or steamboats they have not time or a good opportunity to purloin.

But I am furnished by the Senator from South Carolina, with an argument in favor of the resolution. He says the proposition is to print a book which not one Senator knows anything about. That is my reason for wanting the book. I want to know something about it. I cannot see that there will be any danger in printing it, under the circumstances. The surveyor, who is to assist in making the report, is one of Virginia's brightest sons in his sphere of action. He is one of the most intelligent, able, enlightened, sagacious, industrious young men that I know anywhere in the United States. He was engaged on the Maine boundary, and on the boundary line between Texas and the United States; and I am sure, in point of capacity, he has no superior in a young man of his age. In point of observation, firmness, integrity, and everything that ought to commend him to consideration, no man is more reliable, more truthful than Mr. Gray, and for these reasons I wish to see his production. I do not, to be sure, agree with Mr. Bartlett in relation to the fixing of the initial point for the running of the boundary line between Texas and Mexico, but still I would like to know his general information; and if he was peregrinating throughout Mexico, when he ought to have been engaged in something else, we shall find out the reason of his absence, and the result may be something very interesting and amusing. The report will inform us of various matters connected with Mexico, about which I would like to know something; but I am perfectly willing to submit to the decision of the Senate. I am not a great reader of books. In the reading of documents published by order of the Senate, I have confined myself pretty much to the Patent Office Report. [Laughter.] I have obtained a great deal of useful information from it—leaving out of view the mechanical branch of it, for I do not understand that. [Laughter.]

The PRESIDENT. The question is on postponing the further consideration of the resolution until to-morrow.

Mr. HUNTER. Since it has been taken up, I think it had better be disposed of. I believe that this habit of printing books for the purpose of gratifying the personal desire, of individuals or officers connected with the Government, for distinction, has led to a great deal of mischief. I am not surprised that persons should desire to obtain for nothing books printed at the public expense. The Senator from Texas says that the demand for books is increasing. Of course it is; and we shall not be able to satisfy it, if we go on in this manner printing any book which any public officer may choose to write for the purpose of placing his name favorably before the public. We not only give him an advantage over all other literary men, but we produce a demand for books which will not be satisfied, and this demand is to be met out of the contingent fund of the Senate. I ask again as I asked the other day, how long can we expect the House of Representatives to be satisfied with our separate and single control of that fund, if we saddle it with such expenses as this?

Again, as has been properly remarked by the Senator from Arkansas, and my colleague, who knows anything about this book? Has the Senator from Texas examined it? Has he read it? Does he know anything of the materials which compose it? Have we any opinion passed upon it from any source upon which we can rely? Has it been examined by any Department of the Government, or by any committee of this body? Who can say what it is to cost; of how many volumes it is to consist; under whose direction it is to be executed? Are we to publish whatever Mr. Bartlett or Mr. Gray may choose to write and ask to have published at the public expense, and make a book which is likely to be so costly, as one of this sort containing costly engravings? It seems to me that this is such a proposition as has never been presented here before. We have already gone too far; and it is asking us to go further than we have ever done before. I move that the resolution lie upon the table.

Mr. HOUSTON. I hope the Senator will withdraw that motion for a moment to let me say a few words.

Mr. HUNTER. I withdraw it.

Mr. HOUSTON. My friend from Virginia asks me if I have read the work? Sir, I desire to see it in print that I may read it. I do not like to read manuscript. [Laughter.] It ought to be printed, so that I and the Senate and the country may see it.

Mr. HUNTER. I will ask the Senator if the book has been written?

Mr. HOUSTON. The reports have been written. They are waiting the order of the Senate. They have been ready for some time. I insist that the Senator shall not move to lay the resolution on the table. He had better move to postpone it indefinitely. I have no objection to its lying over until to-morrow.

Mr. HUNTER. I desire to dispose of the resolution as it is up. We can dispose of it now, as well as to-morrow; and I hope my motion will be a test question.

Mr. HOUSTON. We may have nothing else to do to-morrow, and it will be a very profitable subject to talk upon. [Laughter.] I do not care much about the book. I am as little fond of books as anybody; but I have no doubt that this work will contain a great deal of valuable information. As to the amount of expense, I think that very inconsiderable. I do not think the book ought to be regarded in the light in which some gentlemen seem to look at it. It will be a book of great value. We are to have an interesting and important relation hereafter to the section of country to which it refers; and if it referred to no other subject than the topography of the country, and the condition of the Indians, their numbers, &c., it would be a matter of great importance.

Mr. HUNTER. I am informed by gentlemen who are likely to know, that the Senator from Texas is perhaps mistaken as to this book having been written. The report has not been written. The resolution will merely give authority to the officers to write as much as they choose. The Senator from California, who is acquainted with these matters, thinks it is not written. So does the Senator from Maryland.

Mr. HOUSTON. If the Senate will postpone the resolution until to-morrow, I will ascertain that fact. If it is not written, I shall not insist upon the resolution. Unless it has been prepared as an official document in relation to this particular subject, under the instructions given to them by the Department for the prosecution of their work, I shall not insist upon it.

Mr. PEARCE. If this report is written, it has been done since the 4th of March last. I know efforts were made about that time to get hold of materials for writing it. I suppose it has hardly been prepared since that time.

Mr. HAMLIN. From what I know of this subject I am inclined to agree with the Senator from Maryland. I think that the report, or book, or whatever you call it, has not been written. I think the language of the resolution is against that. It does not speak of it as a thing completed, but it is an invitation to those two officers to prepare a report, or I choose rather to say, to write a book; and it is, in my sober judgment, for the benefit of a certain publishing house in a city not a great many miles distant from this. We have, in my judgment on many occasions, gone too far, much too far in the publication of what are really books, which did not relate to the commercial, agricultural, or manufacturing interests of the country. A scientific gentleman in the Army or Navy gets attached to some expedition and he writes a report. He makes that report to some one of the Departments—the Department under which he may have been sent out; and in that way every individual who has been desirous of publishing a book, if he could get attached to a survey of any kind, had the opportunity of publishing it at the expense of the contingent fund of the Senate. Now, sir, this resolution proposes to go one step further. There has been no report even made to the Department; but the resolution is an invitation to the two officers to prepare a report which may or may not have been collected in the proper sphere of their duties, and which is to be, if made, a book relating to various subjects specified in the resolution, but which had no legitimate connection with their duties on the survey. If we should take this step, I do not know why we should not go into any subject in science. I believe that we should dispose of this matter now. I see that Senators are desirous of going into Executive session, and as the matter has been fully discussed, I move as a test question that the resolution do lie upon the table.

Mr. HOUSTON. I hope the Senator will withdraw that for a moment.

Mr. HAMLIN. I will withdraw it if the Senator will renew it.

Mr. HOUSTON. I know nothing about the intention which may be had in regard to the publication of this work. I am satisfied from the source from which I have derived my information that it will be a valuable work, and that has induced me to offer this resolution. I am satisfied that it has no object to promote the interest of any bookseller or bookmaker; and the individual from whom it emanates is as far from doing a thing indirectly as any man in America. It was Mr. Gray, who has been suppressed in the expression of his intelligence, that suggested this; and it was for the purpose, not only of vindicating himself against the imputation of having been discharged for disobedience of orders, but for the purpose of showing on what ground he acted; the amount of information that he obtained and the labor that he performed; and at the same time that he was engaged in this during the extremest hardships, while the Department here was preparing to dishonor and disgrace him, after he had signed an instrument in violation of his conscience and his conviction of propriety; and he has never had the opportunity of showing what his conduct had been up to that time; what labor he performed, and what information he had obtained. I do not know whether Mr. Bartlett knews anything about the resolution. I, of course, did not wish to take any advantage of him. I did not wish to preclude him from the advantage of making a report also. I did not wish to bring an *ex parte* matter before the Senate. I wish them to have the opportunity of comparing information derived from both sources, and see whether it is worth anything; and if it is worth anything, that the whole country may be possessed of it; but if it is worthless, I would be very sorry to urge the adoption of the resolution here. I am very well satisfied, from the characters of one party, and the opportunities of the other, that it must contain, not only on one part, but on the part of both, useful information, and therefore I desire to obtain it.

Mr. BORLAND. In the remarks which I made, I did not intend to say anything about the character of this book. I know nothing of it, and of course I could say nothing as to its value or want of value. I am not acquainted with Mr. Gray, and have but a slight acquaintance with Mr. Bartlett. But I would suggest that we have during the last Congress changed our system of public printing. We have now, I think, a very good system. It is operating remarkably well. The printing is done well; and when that is the case I can see no propriety in our going abroad to have our printing done. If this be a report which has been made to the Department of the Interior, as it surely was the duty of the individuals to make it, if they had it to make—we can by a simple resolution call upon the Secretary to send it to us, and then it will be for the Senate, through its proper committee, to determine whether to print it or not; and it can be turned over under the law which now exists and be printed as a public document in the regular way, so that it will be under our control, and in my opinion, it will not cost as much as if it was published in another way.

I am satisfied that the report has not been prepared for publication. The materials are on hand out of which the gentleman proposed to make it. As to Mr. Bartlett's connection with it, I know nothing further than this: that he called upon me with a part of the manuscript which I did not have time to examine, and told me that his object was to show me a part of the materials, and expressed his solicitude for its publication. I do not know what Mr. Gray has to do with it; but Mr. Bartlett is not only cognizant of what is proposed to be done, but he is making the most pressing solicitations to have it done; and I understand that he is a book publisher; certainly it was represented at the time he was appointed Commissioner that he was a bookseller and book publisher. I take it for granted, seeing the anxiety which he exhibits to have the work printed, that he expects to have the job, because the terms of the resolution leaves it entirely discretionary with them—no committee is to have anything to do with it, but the Secretary of the Senate is to pay for it out of the contingent fund. I am satisfied, judging from our experience with other books of this sort, that the contingent fund is not one fourth large enough for it, and the payment of it, will deprive the Senate of the use of the contingent fund for any other object.

Mr. MASON. I move to postpone the further consideration of the resolution until to-morrow, for the purpose of going into Executive session.

Mr. DOUGLAS. I think we had better put an end to this discussion, and I shall therefore move that the resolution lie upon the table. I will, however, make one remark before I submit the motion. It is probable that when this report shall have been made to the Senate, and a motion shall have been made to print it, and that motion shall have been referred to the Committee on Printing and received a favorable report from that committee, I may be able to go for the printing of it; but I cannot go for it without that action. I cannot do it before I know what the report is. I therefore move that the resolution lie upon the table. If they desire the report to be printed, let it be submitted to the Department, laid before the Senate, referred to the Committee on Printing, and favorably reported upon.

The motion to lay upon the table was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

WEDNESDAY, *April* 6, 1853.

Prayer by the Rev. J. G. BUTLER.

The PRESIDENT laid before the Senate two copies of the laws of New Mexico, which were referred to the Committee on the Judiciary.

DIFFICULTIES AT SAN JUAN.

Mr. SEWARD submitted the following resolution; which was considered by unanimous consent:

Resolved, That the President of the United States be requested, if in his opinion it shall be compatible with the public interest, to communicate to the Senate such official information as he may have received touching the recent transactions between Captain Hollins of the sloop of war Cyane and the authorities of Greytown or San Juan de Nicaragua, together with the orders and instructions which have been given to Captain Hollins in relation to the affairs at that place.

Mr. DOUGLAS. I hope the Senator will modify the resolution by striking out "Greytown or." I dislike to recognize that English name. The place was never known as Greytown, but always as San Juan, from the first discovery of the continent up to the 8th of February, 1848, when it was seized by the British, and the name changed.

Mr. SEWARD. I accept the modification.

The resolution, as modified, was agreed to.

DEBATES IN THE SENATE.

The Senate resumed the consideration of the resolution submitted by Mr. HAMLIN in relation to the purchase of thirty-seven extra copies of the Congressional Globe and Appendix for each Senator, the pending question being on the amendment of Mr. GWIN.

On motion by Mr. HAMLIN, the further consideration of the subject was postponed until the first Monday in December next.

The PRESIDENT. The next resolution in order is the following, which was submitted by the Senator from North Carolina [Mr. BADGER] on the 10th ultimo:

"*Resolved*, That the Secretary of the Senate have published in the Daily National Intelligencer, the full debates and proceedings of the Senate for the late legislative session, and pay the same compensation therefor as is allowed to the Union and Globe, and *pro rata* for what has been reported and published in the Intelligencer during the present Congress."

Mr. GWIN. I hope that will be postponed.

Mr. BORLAND. I think it had better be considered and disposed of. It is a proposition which in my opinion should not be agreed to, and we had better lay it on the table or reject it at once. We can have no better time to act upon it than the present.

Mr. BRODHEAD. I would be quite willing to pay the Intelligencer for the matter which has been published, and I think the resolution should be so modified. It had, therefore, perhaps better go over until to-morrow morning.

Mr. BORLAND. I would suggest to my friend from Pennsylvania, that the resolution had better be disposed of now. I have a very few remarks to make upon it; and I think I can satisfy him and the Senate that we ought not to pay for what has been published. There is good reason for it. There is no reason why we should pay for publishing hereafter in that paper what has taken place which has not yet been published. If the resolution goes over at all, I should like it to go over until the next session; but if it is disposed of at this session, it had better be done now. I hope the resolution will not be taken up, but if it is under consideration, I will say in a few words what I have to say upon the subject. I shall make no speech.

Mr. GWIN. I hope the resolution will not be taken up. I move that the Senate proceed to the consideration of Executive business.

The PRESIDENT. Does the Senator from Arkansas withdraw his motion to lay the resolution upon the table?

Mr. GWIN. Is the resolution before the Senate?

The PRESIDENT. It is.

Mr. BORLAND. Then I will say what I have to say in a very few words. This is a proposition to pay the National Intelligencer for what it has published, during the last Congress, of the proceedings and debates of this body; and to pay also for publishing after this time that which it omitted to publish during the last Congress. I am opposed to both propositions, and for this reason: The National Intelligencer had a contract on the same terms as the Union, to publish the proceedings and debates of the Senate. Its editors came forward and relinquished that contract. I thought it was generally understood why that was done; and that which followed confirmed me in what I supposed was the general understanding. It was considered that it made the Intelligencer a neutral paper in politics to publish the debates of the Senate, because it had to publish Democratic as well as Whig speeches, which left but little room for editorials; and inasmuch as the Democrats were in a majority in the Senate, and perhaps more speeches were made on the Democratic than on the other side, it gave the paper rather a Democratic tendency by throwing Democratic doctrines before the country. The presidential election was coming on, and it was deemed important that the Intelligencer should be a thoroughly Whig paper. To make it so, and to avoid the publication of Democratic speeches in the debates of the Senate, it relinquished its contract; and we found that it afterwards confined itself almost exclusively to the publication of Whig speeches delivered here, which might be useful in the political canvass. Of course I had no objection to that. It was within the option of the editors to publish what they pleased for political purposes. But the proposition involved here is that we shall pay the editors of that paper seven dollars and fifty cents a column for doing that when they published at their own option a party paper, and relinquished the contract which required them to publish the speeches on both sides of the Chamber. I am disposed to be as liberal in party matters as most men; but it is really asking me, as a Democrat, to go further than propriety requires me to go, to comply with this proposition. I would have no objection to pay for the publication of Whig speeches, provided the Democratic speeches went along with them; but I am unwilling to give a party paper the privilege of selecting what speeches it chooses to publish for political effect, and recognize that as the regular proceedings and debates of this body, and pay for it at the public expense. I cannot do that.

The next proposition is—what? To pay the paper for going back and publishing now what we did during the last Congress.

Mr. SEWARD. The last Congress or the last session?

Mr. BORLAND. The last Congress as I understand, or if it is the last session, it is the same thing in principle.

The PRESIDENT. It is the last Congress.

Mr. BORLAND. Now I should like to know if there would be enough of public interest in the proceedings of the last Congress to lead the people to go back and read them all over again, if the newspapers should publish them subsequent to this time? It is a good policy on the part of the National Intelligencer. It threw out all these things when it wanted to occupy its columns with party matter for the purpose of affecting the presidential election. It was a very good party move; and now, when the excitement has passed away, and persons care very little about the political character and aspect of the paper, the Intelligencer, which, during the excitement that attended the presidential election, did not publish full debates, wants to publish now what nobody will read and the public do not want. Appeals have been made to me by gentlemen outside of the Chamber that the National Intelligencer cannot get along without some patronage. Very well. I like the National Intelligencer as a Whig paper; but if it cannot get along without such patronage, I am unwilling, as a Democratic Senator, to bestow it. I do not think we have any right to do it; and if we had the power, I do not think this would be the proper purpose for which, or the proper occasion upon which, to exercise it. This is my understanding of the proposition now before us; and for these reasons I shall vote against the resolution. Unless some one wishes to offer views on the other side, I move that it lie upon the table. If any gentleman wishes to say anything, I will withdraw it.

Mr. HAMLIN. I submitted the original resolution to increase the subscription for the number of the Congressional Globe and Appendix with which Senators are now furnished, upon the ground that while we expended so much money for the preparation of the debates in that form, I thought it advisable that Senators should have as many copies for distribution, or a greater number than is furnished to members of the House.

Mr. BORLAND. Will the Senator permit me to say that I concur with him fully? My remarks had no reference to his proposition.

Mr. HAMLIN. I understand. I was saying that these were the reasons which operated with me in offering the original resolution. The amendment offered by the Senator from California, I am aware, embraces other propositions than that contained in the resolution which I offered.

Mr. BORLAND. The resolution offered by the Senator in relation to the Congressional Globe and Appendix is not up for consideration.

Mr. HAMLIN. What is up? Let the resolution be read.

Mr. GWIN. I will state to the Senator that his resolution was postponed until the next session.

Mr. HAMLIN. Then I was hanging a speech in the wrong place and on the wrong subject, though I do not know but that it would apply just as well. [Laughter.] I will therefore say nothing further.

Mr. GWIN. I have a few words to say in regard to the remarks of the Senator from Arkansas. I think he is mistaken in regard to the object of the resolution. I think that the portion of the debates which is proposed to be paid for, which were published during the last session, are the running current debates which were published daily. That portion of the debates which went extensively into the questions before the Senate, is not embraced in the resolution, if I understand it. The National Intelligencer published a very accurate daily report of the proceedings of the Senate; and I acknowledge that it is important to the country that such a report should be published in that paper. It is concise, leaving out a great deal of immaterial matter which passes here; but still I thought it useful. It is for that portion, which the resolution proposes to pay the editors. What follows is the official report as made out by the Globe and Union. That is to be published hereafter. The remarks made by the Senator to the effect that in the debates published by the Intelligencer during the last session, there were more Whig speeches than Democratic, are entirely outside of the proposition. It is now proposed that the debates which have heretofore been published in the Union and the Globe, shall be republished in the Intelligencer for which it shall get so much per column. It is to publish them just as they were reported in those papers; and it is to be paid for what it had reported; that is a succinct account of the proceedings of the Senate, in which, it seems to me, there was no reference to the political discussion further than was necessary in the publication of the debates that occurred in the Senate.

Mr. BRODHEAD. Some valuable speeches were published in the Intelligencer during the last session, and published too without reference to party character. I think all the leading speeches on the important questions at the last session which were delivered on both sides of the Chamber appeared in the Intelligencer. Such is my recollection. Now, sir, in my opinion, its editors abandoned the contract, which was similar to the one under which the Union has been reporting our proceedings, because it did not pay. They had a right to do that; but in view of the fact that the succinct publication of the proceedings of the Senate has been useful, I am willing to pay them for it. I am unwilling to go back and publish all the speeches which have been made during the last session. I do not think that it was with a view to benefit the Whig party that the Intelligencer abandoned the contract which it had with the Senate for the publication of the debates at large. I differ from my friend from Arkansas on that point. The editors distinctly stated in their communication to the Senate that they asked to be released from their contract because it did not compensate them. I am therefore quite willing to pay them for what work they have done, but I am unwilling to go back and pay them for the publication now of all the speeches that were delivered during the last Congress.

Mr. MASON. The resolution in regard to an increase of the subscription for the Congressional Globe and Appendix, has been postponed until the next session. This, as I understand, is a proposition to publish the debates in the National Intelligencer. I recollect very distinctly that when our present system of publishing the debates as the expenses of the Senate originated, great doubts were generally expressed as to the propriety of such a system. There was then a contract made with the leading paper of each great political party at the seat of Government—the Union and the Intelligencer—to publish at a stated price per column, the entire debates of the Senate as fast as they were delivered. According to my impression, the contracts were complied with by both papers. They kept up the publication of the current debates, and did lay them before their readers generally the next day after they occurred—seldom later than the day after. At the close of the short session two years ago, the editors of the National Intelligencer informed the Senate that it was too onerous for that paper to continue the contract; that it did not compensate them. They therefore relinquished it, and voluntarily disconnected themselves from the Senate as one of our official reporters. Now the proposition as I understand it, is to authorize them again to publish the debates on the same terms, and pay them for what they have already published. I would have no objection, if gentlemen desire it; to continue the publication of the current debates in the Intelligencer, but I think there is no reason in the world either for ordering the publication of what has passed, or for paying them for what they have voluntarily published. That paper is one of the oldest papers at the seat of Government, and I have every reason to believe that it enjoys a most extensive general circulation not in this country only, but abroad. It is a paper conducted with great ability and it has remained for many years in very able hands. It is, as all papers in this country must be, a party paper, although it is conducted, I am free to say, with great decorum and courtesy to the opposing party. At the same time it is conducted with an exclusive eye to the interests of its party. I feel no party hostility towards it whatever. I believe that our country will not continue to be a republic, certainly not a republic in a sound and healthy condition, unless there are two parties—parties not having a tendency to degenerate into the party in power, and the party in opposition, but two parties such as constituted the dividing parties in this country half a century ago or less—parties opposed to each other upon

the principles of the Government and the mode of administering it. There must be parties. No salutary influence can be exerted on the Government, unless there are parties and party organs. But I see no reason in the world for paying the National Intelligencer for what it has voluntarily published. It published it for its own purpose. It was what its readers had a right to expect, and it was necessary to sustain its own character. I would have no objection to so much of the resolution as proposes to continue the publication of the debates in that paper. What is the object of the publication? To give an opportunity to its readers throughout the country to see what is done in the Senate. We all know that the interest in the debates is lost when we go back and publish them after they have become stale. I have been a reader of the Intelligencer, I think, some thirty years, and, as I said, it has had a sedulous and exclusive eye to the interests of the party of which it is one of the organs. I cannot, however, agree with the suggestion of my friend from Arkansas, that it has been unfair or partial, at least while it was publishing the debates of the Senate for the Senate. It then published the whole of the proceedings. If it has done otherwise since, it has had a perfect right to publish what it pleased; but while it was publishing officially for the Senate, it contained speeches *in extenso* on both sides of the Chamber on every important topic of discussion.

Mr. BORLAND. I do not differ at all from the Senator from Virginia, about the character of the National Intelligencer as a party paper. We all know it is a very dignified one; and I believe it is one of the most candid, and has less of bitterness of feeling in it than any paper which we have. As a public journal I respect it very highly. I do not charge it with any unfairness. There was no unfairness in its publishing such speeches and documents as it thought proper to advance the interests of the Whig party. It was perfectly right in doing so. I do not object to that; nor would I have objected to continuing it as one of the reporters of the Senate while it was receiving seven dollars and fifty cents a column. I very cheerfully voted for its having the contract to that effect, and would have continued it as long as it may be the policy of the Senate to employ special papers to report its proceedings. I would not have restricted that, so far as it is considered patronage, to the papers of my own party. I would be perfectly willing that the National Intelligencer should have it; but when its editors came forward and told us that the contract did not pay, that they could no longer go on under it, and when they gave it up on the eve of a presidential canvass, and during that canvass did exercise their discretion for the benefit of their own party, and published such speeches and documents as conduced to the interests of that party, I am unwilling to pay them for such work.

It seems to me that the suggestion of my friends from Pennsylvania and Virginia proves a little too much in favor of this proposition. The editors of the Intelligencer told you that they gave the contract up because it would not pay. They thought it was a bad bargain. They could not go on with it, and yet they come forward now and ask us to enter into it again. If they lost money on the contract the year before last, why should it not make them lose money now? No, sir, the object was this: I understand the contract did not pay because the pecuniary compensation was not sufficient to compensate for the political injury that it might sustain by publishing all the debates; and it was a question between the pecuniary and the political interests of the paper. The money was not enough to induce them at a time of high party excitement to publish what they and the friends of the paper called at that time a neutral paper. They wanted a Whig paper; but the publication of Democratic speeches in it made it a neutral paper, because they neutralized the effect of the editorials and of Whig speeches. I differ from Senators who say that it has published speeches on both sides. I have read it pretty carefully, and if it published Democratic speeches I did not see them in its columns. It may as a special favor have published one or two, but that it made a practice of it, I am very sure is not the case.

Mr. President, I think our present system of reporting is wrong in itself. It might be greatly improved. In my opinion, we ought to have one official reporter whom we ought to pay more than we now pay, to enable him to organize and keep up one efficient corps of reporters; and then if we desired to have the reports published in other papers, we could pay those papers for their republication from the official paper. We have now going out to the public two sets of reports of our proceedings as official reports, which very often differ from each other. I want the thing uniform. I think we can have it better done by paying one official reporter, and having one uniform report to go out as the official record, and then we can, by paying a smaller compensation to other papers, have it distributed over the country as we think proper. I think that would be the better plan to pursue.

Mr. SEWARD. I perceive that this resolution is misapprehended in its effect and scope. It does not propose that the National Intelligencer shall go back and publish the proceedings of the last Congress, and receive compensation for it. What it does precisely propose is this: The National Intelligencer during the last Congress, reported what may be called eclectic debates on its own account. It is now proposed to pay its editors for those eclectic debates, and no more; and in regard to the last session to pay them for what they have already published, and to authorize them to publish the residue of the debates of that session, not of the last Congress. That is the point to which I wish to direct the attention of Senators.

Mr. BORLAND. If the Senator will let the resolution be read, he will see that it refers to the last Congress.

Mr. SEWARD. Let it be read. I think the honorable Senator will see that I am right.

The resolution was read.

Mr. SEWARD. Very well. Now, then, the question divides itself into two parts. First, in regard to the last session. I think it cannot be alleged that there has been any political influence exercised in the selection of the eclectic debates which were published during that session, and I see no reason why we should not be willing to pay them for those debates. There have been no political debates here during the last session; nothing that has had any tendency whatever to operate in a partisan point of view upon the public mind; and if there was, the debates which have been published have certainly been fair and equal. The Intelligencer, if it should go on now and publish the residue of the debates of the last session, will give them to the public nearly as soon as they will reach the public through the Union, which I believe is not yet through its report of the last session, and certainly as soon as the public will be reached by the debates in the Congressional Globe, and sooner too. Therefore, as the Senate might perhaps agree to this resolution, while they would not be willing to go back, for the reasons expressed by the Senator from Arkansas, to authorize the publication of the eclectic debates for the first session of the last Congress, I suggest by way of compromise that we pay them for what they have printed of the last session of Congress, and authorize them to print the residue at the same rate.

Mr. HAMLIN. I think it would be judicious to have no action on this resolution at this session, for the reason that the Senate is very thin, and an adverse action upon it might have an effect on the Senate in its subsequent action. We now have a contract with the Union, which is a party paper, and under it, all the debates of the Senate are printed and published, and consequently spread mainly before the class of the community who are partisans corresponding with that paper. I will, with great cheerfulness, vote for any scheme which shall throw our debates before another class of the community. I would have them published in the Intelligencer and send them to another class of individuals; but I think this resolution is too broad. It covers too much ground; and the Senator who drew it did not mean precisely what the resolution purports, or if he did, I shall be compelled to disagree with him in the result to which I arrive. What is the resolution? In the first place, it proposes to authorize the Secretary of the Senate to procure certain debates to be printed in the National Intelligencer. It is not in the nature of a contract such as we have with the Union. It proposes no contract with the publishers of the Intelligencer; but it directs our Secretary to have certain debates printed in that paper. Where are they to come from? Why, sir, they are to be collated from the Globe or the Union, and to be republished in the Intelligencer. Now, I ask if it would not be treating unfairly, both the Globe and the Union, to take the reports which they have made up and published, and transfer them to another paper, and pay that paper precisely the same for publishing, as we have paid the other two papers for reporting and publishing them. Sir, I am willing to transfer these debates to the Intelligencer for the purpose of disseminating them among the public, and placing them before the partisans of that paper, but I am unwilling to pay precisely the same sum which we pay to those who have done the reporting at length. It would be unjust to them. If we should pay the Intelligencer seven dollars and fifty cents a column for republishing the debates that have been written out by others, we should increase very much the compensation which we have paid to our other publishers. That is my view of the matter.

Then, in relation to the payment of what has already been published—a mere synopsis of the proceedings of the Senate—I am not willing to say that I would not pay something for them. I incline somewhat to the opinion that I would; still I am not quite clear in the matter. I do not know that it extended much beyond that amount which they desired for the character of their press, and which was demanded from its subscribers. Still, for the purpose of doing equal justice to the political press on the other side, I am inclined to believe I would favor the payment of something for them. But taking the proposition as it stands now, it seems to me it is too broad, and fearing that an adverse decision now might influence the action of the Senate hereafter, I think it would be better not to act upon it at this time, when the Senate is so thin, but it should go over until the next session, when it can be presented to the Senate, fully matured, discussed, and acted upon by a full Senate. I think it more advisable to take that course; and I therefore move to postpone its further consideration until the first Monday in December next.

Mr. BORLAND. The remark which the Senator from Maine has made as to the compensation to be paid, is very forcible. We know that the Union and Globe have to pay for their reporting four dollars and fifty cents a column, leaving but three dollars for the publication of the debates. Now, the proposition is to give the Intelligencer as much for the mere publication, as we give them for the reporting and publication.

Mr. SHIELDS. Does the Senator object to the postponement of the resolution?

Mr. SEWARD. We all agree to the postponement.

Mr. BORLAND. Very well; though I think it would be better to reject it.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. MASON, the Senate proceeded to the consideration of Executive business; and after a short time the doors were reopened.

PAPERS WITHDRAWN.

On motion by Mr. GWIN, it was

Ordered, That leave be granted to withdraw the three several drafts now on the files of the Senate drawn in favor of Thomas W. Lane by G. W. Barbour, Indian agent in California, upon R. McKee, disbursing agent.

REPORT OF COMMITTEE ON FRAUDS.

Mr. HOUSTON moved that ten thousand additional copies of the report of the Committee on Frauds be printed for the use of Senate.

The motion was referred to the Committee on Printing.

Mr. BORLAND subsequently reported in favor of printing the same.

The PRESIDENT. The report can be considered now only by unanimous consent.

Mr. BORLAND. I will suggest to the Chair that the rule under which the Committee on Printing acts, requires it to report at least the day after the subject is referred to it, and it has been customary very often to report such resolutions back on the same day.

Mr. SMITH. I am a member of the Committee on Printing and was not aware that any action had been had upon the matter by the committee.

Mr. BORLAND. I did not consult the Senator, and I will state the reason why I did not. During this session he has not attended the meetings of the committee, but has left the business before it, so far as he is concerned, entirely to the Senator from Maine [Mr. HAMLIN] and myself. I did not mean any discourtesy to the Senator, but inasmuch as he did not give any attention to the business before us I supposed he did not care to take any part in our proceedings.

Mr. SMITH. I have no fault to find with the course pursued by the committee. The Senator is, however, entirely mistaken when he says that I have not attended any of the meetings of the committee. I object to considering the report at this time.

Mr. BORLAND. I have not had the pleasure of meeting the Senator at any of the meetings of the committee during this session.

The PRESIDENT. As the consideration of the report is objected to it goes over under the rule.

PATENT OFFICE BUILDING.

The following resolution, submitted by Mr. HOUSTON on the 31st ultimo, was considered and agreed to:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, instructed to furnish the Senate with a report of an examination, on the files of the Department of the Interior, made of the Patent Office Building in 1851, under the direction of the Commissioner of Public Buildings."

RINGGOLD'S CHARTS.

Mr. GWIN. Some days ago the Senate ordered one thousand copies of Captain Ringgold's charts to be purchased by the Secretary of the Senate for the use of navigators on the coast of California. The Secretary now desires to know how he is to distribute them, I therefore submit the following resolution:

Resolved, That of Captain Ringgold's charts of the coast of California heretofore ordered to be purchased, five hundred copies be sent to the Secretary of the Navy, and five hundred to the collector of San Francisco, for distribution.

Mr. BUTLER. I suppose that is as good a mode of distribution as any that can be adopted, but it is the first time that we have ever resorted to it.

Mr. HAMLIN. I would suggest to the Senator from California that a portion of the charts should be deposited here so that mariners can obtain them before reaching the coast, otherwise they may have difficulty in getting into port.

Mr. GWIN. The resolution provides that five hundred shall be deposited with the Secretary of the Navy for distribution.

Mr. HAMLIN. As they are for the benefit of merchant vessels they should be deposited with the Secretary of the Treasury.

Mr. GWIN. I am perfectly willing that that shall be done.

Mr. BUTLER. How is the collector at San Francisco to distribute them? He has not the franking privilege.

Mr. GWIN. Navigators will obtain them from him when they enter the port.

Mr. BRIGHT. Why are not the charts to be distributed to Senators?

Mr. GWIN. For the following reason: It was objected to the original resolution in the form in which it was first introduced, that it conflicted with a provision in the deficiency bill of the last session of Congress, prohibiting the distribution of books to members of Congress. It was suggested by the colleague of the Senator, [Mr. PETTIT,] that the charts should be purchased for the benefit of navigators on the Pacific coast. That having been done, the Secretary of the Senate wants to know how he is to distribute them, and the resolution is introduced for the purpose of settling the mode of distribution.

Mr. BRIGHT. I made the inquiry for the purpose of showing the effect which an order of this kind, which is violative of the law, will produce. At the instance of the Senator from Virginia [Mr. HUNTER] an amendment was incorporated in the deficiency bill of the last session to the effect that there should be no further distribution of books amongst members of Congress.

Mr. HUNTER. The provision was in the bill as it came from the House.

Mr. BRIGHT. Whoever introduced it the intention was as I have stated. However, I have no disposition to interfere unnecessarily with this resolution. I opposed the resolution directing the purchase of the charts, at least I voted against it under the impression that if we had a general law of that kind it was wrong by a simple resolution to repeal or evade it. I think the passage of that resolution was an evasion of the law.

Mr. BAYARD called for the yeas and nays on the resolution and they were ordered.

Mr. MASON. I understand the object of the resolution is to direct the Secretary of the Senate to send five hundred copies of the charts for which the Senate has subscribed to the Secretary of the Treasury, and five hundred to the Collector at San Francisco for distribution in California, for the use of navigators. I was opposed to the resolution directing the purchase for the reason as has been well said that I did not think it was a legitimate use of the contingent fund of the Senate to purchase books for the use of navigators.

Mr. GWIN. I cannot imagine why the yeas and nays have been called for on such a resolution as this. The charts are very important publications and the Senate has twice after full discussion ordered the purchase of some of them. The resolution which we have now before us is merely a matter of form. It is asked for by the Secretary of the Senate in order that he may know how to distribute what have been deliberately ordered by the Senate. As to the charge of indirection in evading the law, I insist that the original resolution was nothing of the kind. It did not propose to purchase a "book." It was merely a chart of a very important portion of the coast of the United States, and one which was drawn up with great care and accuracy. The Legislature of California has instructed its Senators unanimously to ask for its republication. The resolution ordering the purchase has been agreed to; and the proposition now is to determine how they are to be distributed. I do not know that it is a matter of any great importance, but certainly I am ready to meet any issue which may be presented as to the responsibility of evading the law for the purpose of purchasing and distributing the charts.

Mr. PETTIT. When the original resolution was introduced there seemed to be some difficulty in the minds of Senators in reference to the power of the Senate, in consequence of the law which has been spoken of, to order the purchase of the charts. Whatever construction other Senators may have put upon the law, I did not think that the charts came within the term "books." But there seemed to be a great desire in the Senate—I could not mistake that—that the maps should be published for the benefit of navigators on the Pacific coast, and therefore, to obviate the difficulty, I suggested to the Senator from California to make the resolution read so upon its face. It was evident that the design of the resolution was to benefit the navigators. If the maps, charts, or whatever you choose to call them, had been purchased they would have been distributed, as near as could be by Senators, to those who were going to the Pacific coast. I know what the result would have been. As soon as the resolution was passed boys would have been round our desks asking that Senators not living in that direction should transfer their proportion of them to the Senators from California—a thing which I, located as I am in the interior, should readily have done. The design was to distribute them to navigators on that coast, and I thought we might as well say so at once. I therefore suggested to the Senator from California the modification, and he accepted it.

Now we have ordered the purchase. I am perfectly willing to vote to rescind the resolution ordering the purchase, if it is not necessary or proper to purchase the charts; but having made the order, unless we adopt this resolution or some other, the charts will lie here and become musty in the office of the Secretary. It seems to me, therefore, that some such resolution should be adopted. If five hundred are deposited with the Secretary of the Treasury or of the Navy, he will undoubtedly give them to the navigators as soon as convenient; and if the other five hundred are transmitted to the collector at San Francisco, he will furnish each navigator with one when he enters the port. Having ordered the purchase of the maps, I do not see that there is any more proper way to dispose of them, inasmuch as Senators have not the power to distribute them. I would vote to reconsider the resolution which we have already adopted, and retrace our steps, if the Senate should be so disposed; otherwise I shall vote for the distribution.

Mr. BAYARD. I object to the resolution, because I cannot see upon what authority the contingent fund of the Senate of the United States is to be charged with the disbursement of moneys to be distributed among the collectors of the United States. You are setting a precedent now for which you can find no anterior one. You are setting a precedent which will necessarily lead to applications of a similar character from other parts of the Union. There is no reason why you should adopt such a resolution in favor of the mariners of one portion of the Union and not of the other, and if you are to pay for charts of the coast of California out of the contingent fund of the Senate, which have not been ordered by Congress, and distribute them through the medium of the collector of San Francisco, you must expect of course to distribute charts of other portions of our coast through other collectors. That is what this will lead to, and I would rather let the charts lie here and rot than sanction such a precedent.

Mr. STUART. I desire to say a few words on this subject, in order that there may be no misconstruction of the vote which I gave on the former resolution, and the one which I intend to give on this. I disagreed with many Senators upon the construction of the provision in the deficiency bill to which reference has been made. It was introduced into the House of Representatives by a gentleman from North Carolina for the object, and the sole object of preventing the annual distribution of books to members of Congress to constitute a library for themselves. The law is not properly susceptible of any other construction. It does not prohibit, in my judgment, either House of Congress from publishing a document for the purpose of distribution in the country through the medium of its members. That was the view I took of it when it was passed, and it is the view I take of it now. I wish, therefore, only to say that in supporting this resolution, I shall do it for the purpose of providing for the distribution of the charts without taxing the members of the Senate with the duty, and that it shall appear that I had no idea of evading the law in voting for the resolution the other day. I did not think the original resolution infringed the law at all, and hence had no difficulty in voting for it, and shall have no difficulty in voting for the resolution providing for the distribution of the charts.

Mr. CHASE. The law to which the Senator has referred, is in these words:

"Hereafter no books shall be distributed to members of Congress, except such as are ordered to be printed as public documents by the Congress of which they are members."

No books shall be distributed unless they have been ordered as public documents. The word "books," as every lawyer knows, comprehends charts. If a court were called upon to put a legal interpretation upon this law, charts would most unquestionably be included. The question then resolves itself into this: has this work been ordered to be printed as a public document? It is known that it has never been so ordered. As I understand it, it has been printed at the private expense of the able and ingenious gentleman who compiled it. Heretofore, and before the passage of this law, the Senate ordered the purchase of a certain number of copies of the work. They were purchased, and distributed to Senators in the usual mode, and I think most of them took the direction suggested by the Senator from Indiana, [Mr. PETTIT.] It was the direction very cheerfully given to mine.

I said, when this question was originally before us, that I might have no objection to voting for the resolution under the peculiar circumstances of the navigation of the Pacific coast, if the law did not stand directly in the way. I do not think that we can construe laws by the reported opinions and views of gentlemen who speak upon them. We must look at the recorded language of the laws themselves; and when we have obtained the construction from the language, we are bound by it. Inasmuch as the law, in my judgment, in-

cluded such a work, it seemed to me to be a violation of it to pass the resolution ordering the purchase. It is true that the effect of the law was sought to be avoided by omitting the language contained in the law, "for distribution to members of Congress;" but that, it seems to me, rather made the matter worse than better, because it reduced the resolution to the character of an attempt to evade the law instead of founding it upon an honest difference of opinion in regard to its construction, such as exists between myself and the Senator from Michigan, [Mr. Stuart.] For these reasons I was opposed to the original resolution, and I feel bound to vote against all resolutions intended to carry it into effect.

Mr. BORLAND. It seems to me that the Senator makes an objection to the present proposition that is not altogether applicable. He opposed the original resolution, he says, because he thought it was an evasion of the law which forbids the distribution of such things—books, charts, or whatever they may be—to members of Congress. Now, after that resolution has been adopted, and the arrangements have been made for the purchase of the charts, a proposition is made to distribute them—how? Not to members of Congress, but to put them at the disposal of certain officers of the Government; and the Senator opposes that. What will he do with them? This proposition shows now, if it was not shown before, that there was no intention to distribute them to members of Congress—that there was no intention to violate the law because that law forbids simply a distribution to members of Congress to prevent them voting themselves libraries. It was not intended to prohibit the purchase of such works for public purposes. The proposition is now to put the charts at the disposal of the proper Department of the Government for the use of navigators, the purpose for which they were ordered to be purchased.

The law which the Senator from Ohio has read if he will look to it again he will see, says nothing about purchase for public purposes. It simply prohibits a distribution to members of Congress. The resolution so far from going in contravention of the law carries out its very spirit. The resolution which we adopted the other day was to purchase these charts for the interests of navigation, and the object now is to indicate to the Secretary of the Senate what disposition he shall make of them in executing that resolution and thus we relieve him from embarrassment. As they are in his hands he must adopt some mode of disposing of them. This simply points out to him what the Senate considers the proper mode of distribution, viz: to put them at the disposition of officers of the Government and not of members of Congress. It does not come near the law and in no respect does it violate its spirit and intention.

Mr. MALLORY. The order for the purchase of the charts has already been made. That I conclude is a matter settled, and the only question now is as to their distribution. I suppose the Senate will desire them to take that direction which will confer the greatest amount of benefit on the interests of navigation. California I suppose herself has no vessel interested, but there is scarcely a part of the country having any shipping that has not sent one vessel or more to the ports of California. If the Senator from California had not already made his proposition, I would suggest to him that none of these charts should be sent to California for distribution; that they ought to be distributed on the Atlantic sea-board for navigators going to California, because it is to enable them to reach the port of California that the charts are wanted. I will suggest to the Senator from California not to give the five hundred to the Secretary of the Treasury because it is unheard of for the Secretary of the Treasury to distribute charts. The charts which are printed under an act of Congress are distributed by the chief of the Coast Survey office. He sends them to the Chambers of Commerce and other commercial institutions of the country which can best distribute them so as to confer the greatest amount of benefit upon the commercial interests. If it is in order I will move to strike out "Secretary of the Treasury" and insert "Chief of the Coast Survey."

Mr. RUSK. I see no difficulty in the way of this distribution being ordered. The law referred to by the Senator from Ohio is that hereafter no books shall be distributed to members of Congress, and therefore, whether we call these charts "books" or not, the law does not apply to them. I think, however, that the Senator from California had better modify his resolution so as to direct that all the copies shall be turned over to the Secretary of the Treasury to be by him distributed. He, as a matter of course, is better informed of the wants of navigators than the collector.

Mr. GWIN. I will modify my resolution accordingly.

The PRESIDENT. There is an amendment pending offered by the Senator from Florida.

Mr. MALLORY. I withdraw it.

Mr. BAYARD. I supposed that if you are to make any order upon the subject, the Secretary of the Treasury will probably be the officer most likely to distribute them according to your intention; but my objection lies deeper than that. You are setting a precedent to the effect that out of the contingent fund of the Senate of the United States, you will order books to be paid for, for distribution by the Executive officers of the Government. Where is your authority for that.

Mr. SHIELDS. I agree with the Senator that this is not a contingency that ought to be paid out of our contingent fund, but I understand that the maps are already engraved, the contract is made for them; and all that is necessary is to know how to distribute them.

Mr. BAYARD. I understand that, but I consider the principle more important than the mere question whether the books are to be paid for by a few thousand dollars or not. I will never sanction an order of this kind for the distribution of books purchased under such circumstances, by money taken out of the contingent fund of the Senate, when Congress has not made an appropriation for the object. What did you decide yesterday in reference to the valuable report of Mr. Andrews? You decided almost unanimously that you had no authority to pay for it out of your contingent fund. Whence, then, comes your authority to purchase books for distribution, not by Senators, but by the Secretary of the Treasury, or any other Executive officer? It is an evasion of the law. You must judge of the intent of all laws by the language used by the legislators who passed them; and if you take the language of this law, whatever may have been the private intentions of the members, there can be no question that it prevents the distribution of all books among members of Congress, except such as are printed as public documents. In consequence of that, you did not pass the resolution in the shape in which it was originally introduced providing for the purchase of the books out of the contingent fund of the Senate for the use of Senators. You seek now not only to evade the intent of the law which is to prevent such an abuse of the contingent fund of the Senate, but to introduce the precedent that the contingent fund of the Senate is to be used for the purpose of purchasing books, I care not what they are or what they are not, to be distributed by executive officers. Is that a proper mode of proceeding? Ought not legislation to be requisite for such a purpose? If so the proper course is this: If you have unadvisedly chosen to pass a resolution for the purchase of books, the question whether they are to lie for a few months among our other documents is of very little importance compared with the establishment of such a precedent as this. Let them remain under your former order if they have been purchased, or the engravings have been ordered, or any contracts made, and do what is right in principle. At the next session of Congress seek to pass a law authorizing action of this kind, and see whether on discussion the Congress of the United States will agree to depute to collectors and officers of that class the distribution of books purchased by means of the contingent fund of either House.

Mr. BORLAND. I will call the attention of the Senator from Delaware to this fact: the resolution ordering the purchase of the charts expressly provides that they shall be for the use of navigators on the Pacific coast. We have ordered their purchase. I presume the contract for them has already been made. They are perhaps ready to be delivered, and the only question is, whether we shall let them lie here in some lumber room to the next session, or whether we shall put them in the hands of the Secretary of the Treasury for distribution among the navigators on the coast? That is the sole object of the resolution.

Mr. BAYARD. Precisely; and if I put the value of the charts against what I was going to say is an atrocity in principle, I might vote for the resolution. You can find no precedent for ordering books to be paid out of the contingent fund of the Senate for distribution in this mode. Show me the precedent, if any such exists. It seems to me the abuse is palpable. Answer me if you can, in consistence with the vote which you gave on the report of the Committee on Contingent Expenses, in reference to Mr. Andrew's report. Why did you refuse to pay the expenses in that case? Because it was not prudent for you to make such expenditures out of your contingent fund. If it was not proper in that case, on what principle do you make it proper here? If you have purchased the books improperly, let them lie until the next meeting of Congress without being distributed.

Mr. RUSK. The argument of the honorable Senator from Delaware would have been good against the passage of the resolution in the first instance; but I do not think by refusing to distribute the charts in their proper channels, that we should advance a single step the principle for which he seems to contend. I am not certain of the propriety of passing the original resolution, but when he says it is an atrocious principle, and one for which there is no precedent, I will merely say that if he had taken the trouble to look he would have found that there is nothing but precedents for it. The House of Representatives has paid out of its contingent fund large amounts for books to be distributed among its members, and the Senate has done the same thing.

Mr. BAYARD. For distribution to members, but not to executive officers. You are extending the principle.

Mr. BORLAND. Nothing is more common in making an order by either House to purchase books out of its contingent fund, than to give a portion of them to an executive department for distribution.

Mr. RUSK. Precisely. To remedy the evil, and to avoid the precedents set by both Houses, of paying out of the contingent fund for books to be distributed among their members, we passed a law. What is it? That neither House of Congress shall distribute amongst its members any books except documents printed by order of both Houses. This is not a book of that description. It is not proposed to be distributed amongst members of Congress, and therefore it is no violation of the law. The honorable Senator from Michigan was perfectly correct in what he said. The evil intended to be remedied by the law was the distribution of books among members of Congress. This is, therefore, not a violation of the law. At the same time, however, I have no doubt that it would have been altogether better if we had not undertaken to act separately, and paid for the purchase out of our contingent fund. But that is gone by. We have made the order, and the question is shall we turn round, and make the error three or four times worse by piling the document up here to the inconvenience of the Secretary of the Senate, and the damage of the navigating interest.

Mr. BAYARD. I presume the reason why there is no express restriction in the law as to the mode of distribution is, that it never entered into the imagination of Congress that such an attempt would be made. It had been the custom to purchase books by means of the contingent fund of either House of Congress and distribute them through the medium of its members. The law chose to restrict that in express terms. It did not go further, and restrict the abuse which was never contemplated, of purchasing books by means of the contingent fund, for distribution by the Executive authorities. Not supposing that such an authority would be assumed, it imposed no such restriction; therefore, my answer to the honorable Senator is, since you have passed such a resolution ordering the purchase of these documents, I am for letting them lie here in the hands of the Secretary of the Senate until he has the warrant of law for their distribution. I will not sanction one wrong resolution by voting for another.

The PRESIDENT. The resolution has been modified to read as follows:

Ordered, That the copies of Captain Ringgold's charts of the coast of California heretofore ordered to be purchased be delivered to the Secretary of the Treasury for distribution to the Navy and commercial marine navigating that coast.

The yeas and nays were taken on the adoption of the order, and it was agreed to—yeas 21, nays 17, as follows:

YEAS—Messrs. Borland, Brodhead, Dodge of Wisconsin, Dodge of Iowa, Everett, Fitzpatrick, Foot, Gwin, Houston, Jones of Iowa, Mallory, Pettit, Rusk, Sebastian, Seward, Shields, Soulé, Stuart, Walker, Weller, and Wright—21.

NAYS—Messrs. Atchison, Atherton, Bayard, Bright, Butler, Chase, Clayton, Douglas, Evans, Hunter, Mason, Norris, Pearce, Smith, Sumner, Thompson of Kentucky, and Toucey—17.

EXECUTIVE BUSINESS.

A message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Secretary, and on motion of Mr. GWIN, the Senate proceeded to the consideration of Executive business. After some time the doors were reopened.

VOTING BY MACHINERY.

Mr. HOUSTON submitted the following resolution:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to contract with Henry Johnson, the inventor, for the construction in the Senate Chamber of his new mode of taking the yeas and nays: *Provided*, The entire cost of construction shall not exceed the sum of $1,500 to be paid out of the contingent fund of the Senate.

COMMERCIAL REGULATIONS.

Mr. HAMLIN. I submit the following resolution:

Resolved, That there be printed for the use of the Senate five thousand additional copies of the report of the Secretary of State relating to the commercial regulations with foreign nations.

I ask the consideration of that resolution at this time. I will state very briefly what it is.

A SENATOR. Has it been reported from the Committee on Printing?

Mr. HAMLIN. It has the approbation of that committee. I had an interview with a late Secretary of State [Mr. Webster] on this subject at the last long session of Congress, the result of which was that during that session, on the 19th of July, I submitted a resolution calling upon the State Department to furnish the Senate with such information as it could, relating to the subjects named in the resolution. The report has been submitted to the Senate. It will form a little volume of about one hundred pages. It is a very valuable work, showing, as it does, the regulations of foreign commerce of almost every foreign nation. As the expense of printing it will be very little, and as the resolution meets the approbation of the Committee on Printing to which I have submitted it, I trust the Senate will adopt it.

The resolution was considered by unanimous consent, and agreed to.

OPEN EXECUTIVE SESSIONS.

Mr. CHASE. I move that the Senate proceed to the consideration of the resolution which I submitted yesterday in regard to Executive sessions.

The motion was agreed to. The resolution is as follows:

"*Resolved*, That the sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President, shall be received and considered, and in such other cases as the Senate by resolution from time to time shall specially order; and so much of the 38th, 39th, and 40th rules as may be inconsistent with this resolution is hereby rescinded."

Mr. CHASE. I suppose every Senator understands the object of this resolution. With the permission of the Senate I will so far modify its terms as to make it take effect after the present session of Congress and submit it to a vote with a very few remarks.

It changes the existing rule to this extent: The present rule requires the consideration with closed doors of treaties and nominations, and all confidential communications of the President. The proposed amendment requires that all sessions and all proceedings of the Senate shall be open and public, except in such special cases as the President or Senate from time to time shall decide to be proper for secret consideration. The proposed change would substitute for the general rule of secrecy in respect to several classes of subjects the general rule of publicity, with such exceptions as particular exigencies shall from time to time require.

As the rules now stand all treaties are considered in secret session, and so are all nominations, and all communications marked confidential. Should the rules be altered as proposed by the resolution I have had the honor to submit, the injunction of secrecy will be confined to such treaties as may be specially communicated in confidence by the Executive and to such nominations as the Senate in the exercise of a sound discretion may deem it necessary, from considerations affecting private character or the public service, to discuss in privacy.

There is a large class of treaties legislative in their character, and including very important public considerations, which ought to be publicly debated. There is no reason why they should be considered in secret session. On the contrary, in respect to treaties of this character it is quite desirable that the public should be informed, and fully informed as to their provisions and as to the debates and votes here upon them. So also many, and indeed almost all, nominations are confirmed or rejected upon principles of public or party policy, without reference to private character. I see no reason why debates and votes upon these should not be public. Whenever any questions involving moral character are raised, it will be in the power of any committee or any member to move that the doors be closed.

There can then be no objection to the adoption of the resolution upon either of the grounds generally relied on by the advocates of secret sessions. Those grounds are, first, that secrecy is frequently necessary to the success of important negotiations with foreign countries, and that this secrecy would be impossible if the treaties should be debated and voted upon in public. There may be some force in this, but the objection does not touch the proposed amendment. The President has charge of foreign negotiations and is the best judge of the occasions on which secrecy is required, and whatever he thinks proper to communicate in confidence will still be treated as confidential, if the rule which I propose should be adopted.

The second ground of objection is that private character should not be made the subject of public debate. I will not say that this objection would not deserve consideration if the proposed rule imperatively required the public consideration of all nominations without exception. But it does not. It expressly excepts from its operation those special cases in which the Senate by resolution may enjoin secrecy. Such orders will be made when the nature of particular cases make such orders necessary or proper. In all other cases where the action of the Senate is determined by general or purely political considerations, the people have a right to know the character of our discussions and the reasons of our votes. Our institutions are based upon the principle of publicity and responsibility—secret sessions are exceptions to these general principles; these exceptions should be confined within the narrowest practicable limits, and reduced to the smallest possible number.

Mr. HUNTER. It seems to me that this proposes a very important change in our rules, and one which I fear would be very mischievous. As it now stands, the general rule is that when Executive communications are made in reference to treaties and nominations, our deliberations are to be in secret, unless we choose to order otherwise. If we do make the deliberations public, that is the exception. This proposes to reverse the rule, and require that all discussions shall be public unless the President or we, on account of special considerations, choose to make them secret. The result will be that we shall have no more secret sessions in relation to these matters. It involves a total change of the rule. It will lead to that result, because if, upon the question of a nomination, the Senate chooses to say that its consideration shall be secret, immediately it will be proclaimed to the world that the man has been accused, and he will desire to know of what he has been accused, and how he can defend himself.

So, too, in relation to treaties. If, contrary to the general rule, which this proposes, to consider them in public, we should go into secret session upon a treaty, it would be supposed that there was something especially delicate in our foreign relations. From this, considerations might be derived affecting the supposed probability of peace or war, and also the credit, and it may be the stocks, of the country, and in order to prevent suspicion, we should be forced to go into open session, and consider in public what ought to be considered in private.

I do not believe that any sensible amount of mischief has arisen from the fact that our deliberations upon nominations and treaties have been secret. I believe we have deliberated with quite as much regard for public interest under the seal of secrecy, when we were really advising and consulting the President in regard to its matters, as we should have done if we had thrown open the doors and subjected our debates and our votes to popular scrutiny. I believe it is far safer to adhere to the rule than to make the change which is now proposed.

Mr. BORLAND. I am sorry to differ from my friend from Virginia in supposing that any detriment can come to the public interest of this country by subjecting anything and everything to public scrutiny. I cannot conceive the case of a treaty or anything else in which injury could come to the public interest by opening them to full inspection.

Mr. HUNTER. Does the Senator think it would be better to expose the deliberations of the President and Cabinet council to public scrutiny?

Mr. BORLAND. I should have no objection to it so far as they could be made public. I do not believe, as an American citizen and an American Senator, that any public officer of the Government has the right to utter sentiments affecting the public interest, which are not properly before the public for the inspection of every man in it. That is the ground on which I stand; and I stand upon it, because I believe the popular intelligence is sufficient to discuss wisely and properly every question that may come before the country. As to a man's private affairs, he may do as he pleases. The public have nothing to do with them, so far as they relate to him and his family; but so far as relates to the public interests of society, and the public interests of this country, whether on our own soil, or as they will stand in relation to foreign countries, I believe no man has a right to express a sentiment, or do any act which every man in this country, who has the rights and responsibilities of a citizen, who is to bear the burden of the Government, and whose interest is to be affected by its action, has not a right to know. That is my view of the relations between the public officers of this Government, whether legislative, executive, or judicial, and the people. I cannot conceive that this Government can properly be administered upon any other ground, unless we deny to the people the requisite amount of intelligence, patriotism, and honesty to give a fair consideration to all questions, and dispose of them as the interests of the country require.

These are the general considerations on which I stand in relation to this matter. Gentlemen seem to think that there is something sacred in a man's private character. I admit that there is, yet when he comes forward as an applicant or candidate for public favor, there is nothing that the public has not a right, and ought not to be permitted to know. Sir, is there anything more sacred in the character of an individual who comes before the Senate, nominated by the President for an office under this Government, than there is in the character of an individual who goes before a State Legislature for a seat on this floor, or before the people for a seat in the other House of Congress, or for a place in a State Legislature, or for a governor, judge, or anything to which the people are electable? I conceive not; and whoever supposes at home or anywhere but here, when a man becomes a candidate for office that his character is so sacred that we cannot talk about it in public? What do our newspaper presses do with every man's character who places himself before the public as a candidate for office? They examine him in every particular. They hold him up to the gaze of the public. If he has faults, they make them known; and they ought to be made known. Why then should the character of a man who wants to be a foreign minister, an auditor, a treasurer, a secre-

tary of State, or any other officer to whose appointment we advise and consent, be more sacred? The public have a right to know his character. If it be good then he is fit for the office. If it be bad the people have a right to know it; and their representatives in the Senate have no right to confirm a nomination unless it is of a character with which the people can be satisfied.

With regard to the treaties, I may be behind the age in which I live. It is probable that I am; but I cannot conceive of an instance when it is necessary that a treaty should be acted upon in secret. I do believe that if in all our discussions upon treaties the doors of the Senate had been open, and the newspaper press at liberty to comment upon our proceedings, very many treaties which are now the law of the land would never have been ratified. I do not believe the treaty of Guadalupe Hidalgo or the Clayton-Bulwer treaty would have been ratified; or at any rate we should have been spared the almost interminable discussion which we had at a recent session, consuming almost all our time, and costing how much money, I do not know, if they had been laid before the public, when the newspaper press could have taken them up and discussed them, and the people could have understood them. I believe there are many men who voted for those treaties, who would be glad if they could go back and vote "no" upon them. I believe incalculable mischief has been done to the public interests by having secret discussions, and I believe it would be avoided if the doors were always open to reporters of the public press, and to the people themselves to come in, and hear every word uttered on the floor, and then be permitted to discuss among themselves every question which is before us.

Mr. PHELPS. During my experience in this body, several efforts have been made to change the rule of the Senate in relation to our mode of holding Executive sessions; and to my gratification every attempt of that kind has been successfully resisted. I have to say now that from the very existence of the Senate down to the present day, the rule which now obtains has governed it. We have then from the first organization of the Senate to the present day, the opinions of all who have gone before us in support of the rule as it now exists, to treat matters of a certain description in secret session. Why should we abolish it? Why should we at this stage of the Senate with a bare quorum present take it upon ourselves to change permanently the character of the Senate, and to regulate the proceedings of those who are to come after us? Sir, a radical change of this kind ought not to be made hastily. It ought not to be made in a moment, when the sense of a full Senate cannot be obtained.

Mr. BORLAND. Will the Senator permit me to say that this is not a new question? Five years ago it was before the body, and it has been more or less discussed at every session since.

Mr. PHELPS. That is just what I remarked in the outset, that efforts have been made from time to time to abolish our present rule, and they have always been unsuccessful. There are most abundant reasons for our holding secret sessions. Does any man believe that our negotiations with foreign nations can be conducted with success, if every project which is started by the treaty-making power is to be made and acted upon subject to public inspection at the time? Are we to gain anything by exhibiting our diplomacy to the world when the practice of the rest of the world is to keep their diplomacy to themselves? It seems to me that we are not. We are often compelled, in the discussion of treaties, to act upon considerations which at the moment would not bear to meet the public view. Take the instance suggested by the Senator, the treaty of peace with Mexico. That treaty was negotiated during a period of great excitement. When we were called upon to act on it the excited state of feeling arising from the war in which we were then involved was very high, and it was therefore our duty not to be guided by the public feeling and public excitement, but by our own deliberate judgment on the subject, trusting to a rational view afterwards, when the public excitement subsided, to justify ourselves before the public. And that we could not have done in open session.

But there is another consideration which presents itself to my mind—that suggested by the Senator from Virginia [Mr. Hunter] in regard to the subject of nominations. If it is to be understood that all nominations are to be public, unless, when particular nominations are designated as the subject of private consideration, every time we consider a nomination in private it will involve us in difficulty. I have had occasion to oppose nominations for my own State, even those sent in by a Whig Administration, and to give my reasons for so doing; and I have had occasion to say here that appointments made even by my own political friends were of a very objectionable character. Nominations of this kind come before us, and Senators feeling a delicacy on the subject would not feel at liberty to speak with perfect freedom in public of the character of a man who may be up for an office, and whom we should think incompetent for the office, and if one were to move to make the matter one for the private consideration of the Senate, the motion itself would indicate what was to follow. Under these circumstances, of all things on earth the nominations for offices submitted to the consideration of the Senate should be treated as confidential, as we would treat them in our personal intercourse. I trust, therefore, the practice of the Senate will not be departed from. I know the subject has been agitated and discussed, but the result of the discussion has always been that the Senate has adhered to its preceding practice; and I think if the contrary method obtained the experience of the Senate would, in a few months, show them the necessity for changing it back to the old one.

Mr. BORLAND. I am not at all surprised to hear the sentiments expressed by the Senator from Vermont, for I would say with all respect to him that they are appropriate to the political party to which he belongs, and to so able a representative of it as he is upon this floor. It is perfectly natural for gentlemen of his political school to suppose that this Government (for I understand that to be one of the fundamental principles of his party) is something separate and apart from the people—above them—and having rights which the people have not. I was a little surprised, though, to hear the Senator from Virginia, [Mr. Hunter,] because he belongs to another political school which does hold to responsibility on the part of the representative to the constituents. But, sir, the Senator from Vermont I think is perfectly consistent. He is acting upon and carrying out the great principle upon which his party has acted in all its policy from the beginning of the Government down. The idea that the Government is a thing separate and apart from the people, and looks down upon them as altogether without intelligence and disqualified for considering and determining on matters relative to their interest, is drawn from Governments on the other side of the Atlantic; but under this Government, which is based upon the very idea of the intelligence of the people, their competency for self-government, their sufficiency in point of public virtue and intelligence to understand and discharge wisely and properly all questions relating to their interests, it seems to me that such a doctrine is altogether out of place.

With regard to treaties, it seems to me that secret negotiations are very proper to European countries, where the Governments do not look to the interests of the people, but only to the interest of the particular dynasty that happens to be reigning at the time, and where the diplomacy and negotiations consist in a sort of family arrangement for the benefit of the governors, and not of the governed, leading to many things with which we do not have anything to do in our treaties, such as their contracts for marriage for the purpose of sustaining such a dynasty on a particular throne, for the elevation of one and putting down of another, and to carry out some combination among the nations. We stand apart from all such considerations as those. We have no connection with them. We have no such connection with other Governments. We deny the right of other governments to interfere in our affairs, and we disclaim the right on our part to interfere with theirs. It has seemed to me from the limited view I have been able to take of the subject, that our system of diplomacy has been one of humbuggery and deceit, and that if we had a little plain sailing and open dealing in our relations with foreign countries, we should have much less cause of trouble. I know these may be considered ultra Democratic, and radical notions. Very well, I am content to entertain them, and leave to those gentlemen who believe there is something sacred in the character of our Government, some rights peculiar to it, separate and apart from the people, to entertain the opposite opinion; but until I can believe that the people are not sufficiently intelligent or virtuous to be intrusted with their own affairs, and that the representative shall not be held directly and strictly responsible for everything he does, and everything he says in relation to the public interest, I shall be opposed to anything like secrecy in our proceedings. If our proceedings are right we have no cause to fear their being submitted to the people. If we are not conscious that they are right, if they are of a doubtful policy or positively wrong, we should not engage in them. Sir, I want my constituents to know not only what I do in regard to their interests, but what I think. I would entertain no opinion and express none, and give no vote that I would not desire them to know, and the reasons which govern me in giving it.

Mr. PHELPS. Mr. President, I am extremely gratified with the position which the honorable Senator has taken. Although I have been for some years a member of this body, I have never considered myself as the particular exponent of the principles and views of any party. If the Senator attributes to my party sentiments which the honorable Senator from Virginia has just advanced, and if I am the exponent of Whig principles and practices, unfortunately the distinguished Senator from Virginia is in the same category. Now, sir, I might retort upon the Senator, and ask him if the Senator from Virginia is an exponent of Whig principles? In the few remarks which I made, I alluded to the practice of the Senate from its origin to the present day, during which it has been sustained by all who have gone before us, and certainly they were not all Whigs.

But, sir, there is another consideration here. Is not the Senator aware that this practice has prevailed during a period of some sixty or seventy years, and when the majority in the Senate has consisted of his party? Has it not been so during most of our experience here? And if this rule be one consisting of Whig principles and Whig notions, how happens it that the Senator and his political friends have not abrogated it? Sir, if this is a Whig doctrine it comes with not a very good grace from a gentleman associated with the majority of this body, to retort upon us.

I do not know that anything fell from me in the remarks which I submitted, which would indicate that I had any party view in the expression of them. I spoke of the propriety of the thing. Now, I put it to the Senator from Arkansas himself, if a nomination were made from his own State, which was unpalatable to himself, would he be willing to express his views fully in public upon it? I am perhaps not a man of as much firmness as he is, but I do not think that I would. And here let me remark that this rule of the Senate has been made for its own protection, and it ought not to be submitted to the discretion of the President. It is not for the Executive to determine whether our proceedings shall be in secret or in public. It pertains to the dignity of the body to regulate that. If a nomination is made, and the President consults us in relation to the propriety of that nomination, the very proposition is confidential in its character. Suppose the chairman of a committee to whom a nomination is referred in this body appeals to me and says, "Sir, here is a nomination for your own State; you know the man; what do you say of him?" I may reply that he is a very good citizen, but that in my humble opinion he has not the integrity which entitles him to that office. Would any chairman of a committee in this body feel himself at liberty to come and report to the Senate that I had expressed doubts of his integrity? Would any member of a committee who consulted a Senator from the State, feel at liberty to disclose a communication which was asked for as confidential? Now, sir, if there would be no propriety in that, if there would be no propriety in disclosing it to an assembly of this character, is there any propriety in calling in the whole country as witnesses to what I would say

in respect to the man? The Senator seems to consider that all the affairs are of a private nature. But there are considerations which come before us connected with confidential communications between us and the President, which are in their very nature confidential, and ought to be so treated, and would be so treated in the private intercourse of all honorable men.

I am not disposed to protract this discussion, but, sir, I must be permitted to say that whatever may be the views of other gentlemen, I hope and trust that I shall leave this place, and take leave of public life with a better consciousness than that of having been the mere organ of a party. In the remarks which I made I had no regard to any question in its political aspect. If it were a party question the matter would have been different. In the remarks which I made, I had only reference to what was the practice of the Senate, and the propriety of that practice.

Mr. BUTLER. This is not the first time that this subject has been under the consideration of the Senate since I have been a member of it. I recollect that some five or six years ago an honorable Senator from Ohio, [Mr. Allen,] introduced a resolution of the same kind; and I know that in the discussion which took place at that time all the old and respected Senators who were then in the Senate, Mr. Calhoun, Mr. Clay, and Mr. Webster, took the same ground with the fathers of the Republic, and without distinction of party insisted upon the security of this usage; that is, of the Senate being a confidential body for certain purposes to advise the President. I should be very sorry to see it departed from. This is not a pure democracy. If the Government of the United States was an undisguised and simple democracy, perhaps the gentlemen might well insist upon a resolution of this kind. They might make the Senate the arena for the discussion of every subject as was done in Athens, or in democracies where the people directly had a vote. But we are a confederacy of organized republics, and we live under a constitution—a constitution by whose obligations I feel bound, as well as the usages under it.

In private life when we have very grave matters to consider, we generally call friends into confidential consultation. Grand juries are organized upon the same principle.

Mr. BORLAND. Very improperly.

Mr. BUTLER. The Senator says very improperly. I am one of those who believe that there is much more wisdom in the experience and trial and ordeal of time than in a hasty judgment. It has been quaintly said by some one that constitutions are made by a few sober men to control themselves and the many when they are drunk. I believe that it is not an unwise proposition, that a constitution should be made deliberately and absolutely to guard us against temptations of excitement when occasions might arise to inflame the passions.

In regard to discussions on treaties, if foreign nations were to understand that we were to deliberate upon their secret communications, and upon their treaties, in public, I doubt very much whether they would make such communications as would enable us to take such advantages as would be of service to us. I doubt very much whether they would not withhold from us the very clue to the system of policy to enable us to adopt it with intelligence. Sir, such discussions of treaties is unknown in any other Government. I know it is said that this is a perfect democracy, that this is a model republic, which is to set everything at defiance, and that all that has gone before us, and the precepts and example of our ancestors, are so many impediments in the way of the progress of modern intelligence. I do not think so. I have the organ of veneration. If you are to open the galleries of the Senate to witness the discussion of nominations, in many instances, rather than go out to take my share in the collisions with men on the streets, I would say nothing at all. I might be tempted, from a sense of justice, to do so. If Senators and the President asked my opinion I would give it freely and fairly, but I would give it under such circumstances at least as not to subject myself to the popular mobs that might be organized out of the Chamber.

The old usages of our Government seem to be crumbling away. Democratic clubs and associations are taking the steps that should emanate from the people. Sir, I am as much a friend of the people as the Senator; but I am a friend to the people whose judgment, whose public interest is to be respected. I am not a friend of that people who are to be regarded as the irresponsible multitude, whose transient public sentiments are not to govern me. If this country is to preserve its liberty, and we are to appeal to the tribunal of the people, I want it to be one of intelligence; and it is on that account that I wish to preserve this Government in its ancient form. I am not one of those who would break down, unnecessarily at least, any of the great landmarks which our forefathers prescribed for our guidance.

Mr. SUMNER. Party allusions and party considerations have been brought to bear upon this question. I wish to regard it for a moment in the light of the Constitution and our institutions. In the Constitution there is no injunction of secrecy on any of the proceedings of the Senate; nor is there any requirement of publicity. To the Senate is left absolutely the determination of its rules of proceedings. In thus abstaining from all regulation of this matter the framers of the Constitution have obviously regarded it as in all respects within the discretion of the Senate, to be exercised from time to time as it thinks best.

The Senate exercises three important functions: First, the legislative or parliamentary power, wherein it acts concurrently with the House of Representatives, as well as the President; secondly, the power "to advise and consent" to treaties with foreign countries in concurrence with the President; and, thirdly, the power "to advise and consent" to nominations by the President to offices under the Constitution. I say nothing of another, rarely called into exercise, the sole power to try impeachments.

At the first organization of the Government the proceedings of the Senate, whether in legislation or on treaties or on nominations, were with closed doors. In this respect the legislative business and executive business were conducted alike. This continued down to the second session of the Third Congress, in 1794, when, in pursuance of a formal resolution, the galleries were allowed to be opened so long as the Senate were engaged in their legislative capacity, unless in such cases as might, in the opinion of the Senate, require secrecy; and this rule has continued ever since. Here was an exercise of the discretion of the Senate, in obvious harmony with public sentiment and the spirit of our institutions.

The change now proposed goes still further. It opens the doors on all occasions, whether legislative or executive, except when specially ordered otherwise. The Senator from South Carolina [Mr. Butler] says that the Senate is a confidential body, and should be ready to receive confidential communications from the President. But this will still be the case if we adopt the resolution now under consideration. The limitation proposed seems ample for all exigencies, while the general rule will be publicity. The Executive sessions with closed doors, shrouded from the public gaze and public criticism, constitute an exceptional part of our system, too much in harmony with the proceedings of other Governments less liberal in character. The genius of our institutions requires publicity. The ancient Roman who bade his architect so to construct his house that his guests and all that he did could be seen by the world, is a fit model for the American people.

Mr. MASON. I move to postpone the further consideration of the resolution until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Sidney Webster, Esq., his Private Secretary; and on motion by Mr. Gwin, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

Thursday, *April* 7, 1853.

Prayer by the Rev. J. G. Butler.

AMENDMENT OF A RULE.

Mr. BRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the 34th rule of the Senate be amended by adding to the clause providing for a committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate, the following:

And to whom shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge on the same.

PUBLICATION OF DEBATES.

Mr. SEWARD. I offer the following resolution, and ask for its consideration now:

Resolved, That the Secretary be authorized to procure the publication in the National Intelligencer, of so much of the debates of the Senate during the last session of Congress as has not been already published in that paper, and to pay for such publication, and also for the publication of speeches of that session already made in the Intelligencer, the sum of four dollars per column.

Mr. CHASE. Let it lie over.

RECESS.

Mr. MASON. We seldom receive any Executive communications until after one o'clock; I propropose, therefore, if it meets the approbation of the Senate, that we take a recess until half past one. I make that motion.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate reassembled at half past one; and on motion by Mr. Mason, proceeded to the consideration of Executive business; and after a short time spent therein, the doors were reopened.

HOUR OF MEETING.

On motion by Mr. MASON, it was

Ordered, That when the Senate adjourns to-day, it be to meet to-morrow at two o'clock.

VOTING BY MACHINERY.

Mr. HOUSTON presented the memorial of Henry Johnson, the inventer of a new mode for taking the yeas and nays, asking an appropriation to enable him to make a trial of his machine in the Senate Chamber.

The memorial was read.

Mr. HOUSTON. In submitting that memorial I am willing to acknowledge that I am not sufficient of a mechanic to pronounce a positive decision upon this new mode of taking the yeas and nays; but from the examination which I have been able to give it, in connection with other Senators older and more experienced than myself, I feel convinced that the adoption of it will be the means of a great saving of time, that in point of accuracy it is perfect, and it will afford Senators who wish to talk a much better opportunity than they now have. It will have a tendency to shorten the sessions of Congress, and particularly so in the House of Representative, if it should answer the purpose for which it is intended, as I believe it will. The sum required for the purpose of making the experiment is inconsiderable compared to the value that will ultimately result to the Government if it should be found efficient as is expected. Fifteen hundred dollars is all that will be necessary, and that will enable a key to be put at every Senator's desk and the machine to be put in operation. In the operation of the machine there is no possibility of an inaccuracy taking place. I know not how many Senators have examined it; but I am sure that any one who has paid any attention to its operation in the hands of the inventor must be satisfied that it is a perfect machine of its kind.

It may be objected that in the working of the machine while the yeas and nays are being taken, if a Senator were not in his own seat he could not vote. That is very easily obviated, for when the yeas and nays are read over by the Clerk, after the vote has been taken, he could record his vote in the same manner as is done now. He could do that if he were absent and came in during the call of the yeas and nays or at their termination, so that no objection can be made to it on that ground. No other person but the Senator himself can vote in his seat. If the machine is fixed at his desk he has his key and can lock it when he leaves it. No one can take advantage of his position to vote in his absence; and not only that, if he should lose his key, all that he will have to do when the yeas and nays are read over will be to address the President and record his vote as is now done. It will not conceal the vote of any individual. He cannot vote covertly because his name will be read by the Clerk as soon as the voting has taken place. I can see no possible objection to the machine. If the experiment should prove it to be

worth anything, it will certainly be worth the sum which it will take to make it. If it should prove successful, the House of Representatives can adopt it, and it will save half of their time, which they may add to their hour turns of speaking; for it takes half an hour there to take the yeas and nays. The confusion which is incident to the taking of the yeas and nays by the present mode, can all be obviated. They can be taken in one minute, as well as in ten hours. The only trouble will be that the Clerk will have to read over the names after they have been recorded. If the proposition should meet the approbation of the Senate, I really think that it has never adopted anything for its convenience or for the saving of time, since it has been a deliberative body, that will be more effectual than the plan proposed. I do not wish to take it on myself positively to say so. Gentlemen have the same opportunity to examine the machine that I have. I act from the conviction that it is useful, necessary, and proper, and that it will be of great advantage, both in the saving of time and as a matter of accuracy. I move that the resolution which I offered yesterday on this subject be taken up for consideration.

The resolution was read, as follows:

"*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to contract with Henry Johnson, the inventor, for the construction in the Senate Chamber, of his new mode of taking the yeas and nays, provided the entire cost of the construction shall not exceed the sum of $1,500, to be paid out of the contingent fund of the Senate."

Mr. BRIGHT. The resolution, I presume, must go to the Committee on the Contingent Expenses of the Senate.

The PRESIDENT. Certainly. Under the rule adopted this morning, that resolution goes to the Committee on Contingent Expenses.

Mr. HOUSTON. The resolution was introduced yesterday, and I suppose, according to the practice of the Senate, it can be taken up for consideration now.

The PRESIDENT. In the opinion of the Chair, it goes to the committee.

Mr. HOUSTON. Do I understand that the rule adopted this morning, has a retroactive operation? The resolution was submitted before the rule was proposed.

The PRESIDENT. Does the Senator from Texas appeal from the decision of the Chair?

Mr. HOUSTON. No, sir. I move that memorial be referred to the same committee.

The motion was agreed to.

PAPERS WITHDRAWN.

On motion by Mr. SHIELDS, Thomas G. Clinton had leave to withdraw his memorial and papers in relation to the Potomac bridge.

EXECUTIVE BUSINESS.

On the motion of Mr. MASON, the Senate again proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

Friday, *April* 8, 1853.

Prayer by the Rev. J. G. Butler.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

VOTING BY MACHINERY.

Mr. BRIGHT, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred a resolution proposing to appropriate $1,500 to enable Henry Johnson, the inventor, to make an experiment, in the Senate Chamber, of his new mode of taking the yeas and nays, reported, by direction of a majority of the committee, the same back for the consideration of the Senate.

Mr. HOUSTON. I understand that objections really exist in the Senate to this machine, and I shall be glad to hear from any gentleman those which he may entertain. I am satisfied that I can answer them to his entire satisfaction; I do not care what they are. I think it is so perfectly unexceptionable, and it has so many advantages to recommend its adoption, that I really think, if the Senate will reflect upon it, that they will not hesitate about it. I will remark, in the mean time, that it will not be so important in the Senate, where there are but sixty-two names to call, as in the House, where there are more than two hundred names. It will expedite business there, and will be a saving of at least one half the time which they consume. It will also enable them to dispense with their one-hour rule, and will give them an opportunity of speaking as long as they please. It will take the yeas and nays with equal accuracy as, and in a great deal less time than, the present mode. The majority of the committee indorse my opinion as will all who examine the machine. It will cost but $1,500 to make the experiment, and as gentlemen have objections to it, I should like to hear them.

Mr. DODGE, of Iowa. I was in the minority of the committee on this subject. I cannot give a positive opinion as to this machine itself. It appears to me, however, that the delay occasioned by the present mode of taking the yeas and nays, which is a serious evil in the House of Representatives, does not exist here. If that body wishes to use this new method of taking its yeas and nays, I am disposed to let it do so, but I am not disposed to say that the Senate shall try the experiment for the benefit of the House of Representatives. One reason why I am opposed to this machine is, that sometimes a gentleman votes in the negative when he wishes to vote in the affirmative, and the reading over of the names in a hurry may not enable him to detect the erroneous vote. It is a sort of machinery that may be suitable to such a body as the House of Representatives where perhaps there is a great loss of time occasioned by the present method of taking the yeas and nays, but I think it is not such a one as we should have adopted in this body. I think that the inventor is an ingenious man. I wish to do nothing to injure his rising prospects, or in any way detract from his invention. I am in favor of promoting inventions, and am even willing to be humbugged to a moderate extent; and I never laugh at any attempt which is made at an invention. We live in an extraordinary age; and it seems to me that wonders will never cease. If Napoleon had listened to Fulton and not spurned him away, he might have been the conqueror of England. But such great results will hardly attend this invention. However, I do not wish to depreciate it. I believe the inventor is a meritorious young man. If he can only satisfy the House of Representatives, in which such a loss of time is occasioned by the present method of taking the yeas and nays, that it is advisable that his machine should be adopted there, I would like to see it carried into practice; and when the Senate becomes expanded by the creation of more States out of the immense territory which we are to obtain, there may be a necessity for it here, but at present I think there is none.

Mr. HAMLIN. The Senator from Iowa has very well stated some of the objections which exist, at least in my mind, to the adoption of the measure proposed by the resolution, but he has not stated all of them. Every innovation is clearly not an improvement. There are some things which should be done in the old way and in no other way. I am inclined to think that the taking of the yeas and nays is to be classed amongst them. It is suggested here by learned and able Senators as one principal reason why we should not adopt this machine, that it is clearly unconstitutional, as the Constitution recognizes but two ways of voting, *viva voce* or by ballot. I think it is clearly an innovation on the Constitution, if it is not unconstitutional in fact; and as is well suggested by my friend from Connecticut, [Mr. Toucey,] it may be an innovation upon such gentlemen as some who have been members of this body, because it will deprive them of the opportunity of speaking in the only way in which they were ever known to speak.

But, sir, there is another idea in relation to this matter which I beg to suggest to the Senate. I think on the whole it is ridiculous, and may well be treated as such. My friend who sits upon my right and my friend on my left are each to have a certain fixed key which, when touched, gives the vote yea or nay. They may give me authority to vote for them in their absence, pass their keys over to me, and I may use them as I thumb the keys of a piano, and who would detect it? The Senator from South Carolina [Mr. Butler] suggests that a Senator might lose his key. That is very true; but each man is presumed not to lose, and wherever he is in the Chamber before the yeas and nays are taken, he must, when the vote is given, be in his seat; and I can imagine nothing more proper than to hear you, sir, in the place which you so well occupy arranging the Senate: "Senators to your places; are you all ready?" [Laughter.] It would be very much like an old militia training where, after getting the soldiers in order, you ask "Are you all ready;" and when all are ready then comes the word "Fire." The whole thing in my judgment is ridiculous.

As to making an experiment in the Senate for the benefit of the House of Representatives, I think it would be highly improper. Besides, I was long enough of that body to know that in this very calling of the yeas and nays lies one of the constitutional rights of its members. It is the right of a minority sometimes to consume the time of that House when, in the last stages of legislation, erroneous and objectionable measures are attempted to be forced upon them by a bare majority. I have been a member there, as I would be anywhere, to resist legislation of that kind, and resort to all constitutional expedients—the calling of the yeas and nays is one of them—to defeat it. The argument, that it is wholly inappropriate for us to undertake to try experiments for the House, is a sufficient answer to the proposition. I would not make the allusion to the Senate, nor would I make it disrespectfully to the House, but it is suggested by Senators here that it is very convenient, at least for some men, to know how others vote before they vote themselves; and if the voting is to be done by a mechanical process they will be deprived wholly of that privilege. Those men who follow file leaders will not know in which direction their file leader is going, and they might perchance vote ay when they meant no. That would be another great mistake. I repeat that I think the whole thing is really ridiculous.

Mr. MALLORY. The idea of taking the yeas and nays by machinery is not a new one. It is a very old one. Some eight years ago, a very ingenious friend of mine in Florida, invented a very curious and pretty machine for the purpose, and when he came here to obtain a patent, found that five days before, a patent had been issued to another man for a machine in all respects similar to and very nearly the same as his own. There are some twenty different machines now existing for the purpose, many of which I have examined. The one which we have now before us is particularly ingenious, and would no doubt accomplish the object, if it be designed that the Senate shall give up the practice of voting by voice and adopting that of voting by machinery; and if that practice be adopted, I apprehend it would be simply an entering wedge. You would be required to go on and give the vote by machinery, to take it by machinery, and to announce it by machinery. I do not see but that one could be done as well as the other.

The Senator from Maine, in the climax of his remarks, aptly said that the calling of the yeas and nays is one of the greatest safeguards of a minority. It is said by the Senator from Iowa that he has no idea of trying experiments for the House, as if the machine should be tried in a large body first. If it is to be tried at all, if there be any propriety in it, it should be in a small body, where the rights of the minority are not protected to such a degree, by the calling of the yeas and nays. But in the House of Representatives, where it is proposed to put a machine of this kind, they should by no means set aside the present practice, which is one of the greatest guards of the rights of a minority under our Government.

But, sir, how is it possible to detect the absence of Senators who are not disposed to do their duties to the country if this machinery is to be adopted, by which the power of voting could be delegated to one of the pages of the Senate? Certainly one of the pages could attend to it as well as the Senator himself, and certainly the most important matters of the body might be adopted with not six members of the Senate present. Now, it is not true, as has been suggested, that the losing of the

key will deprive the Senator of the power of voting, because the key to the ingenious machine is simply to lock it up and prevent its use by others. But, if Senators choose not to employ the key, the machine would be open to any person. I apprehend, however, that it is exceedingly essential that the presence of a Senator should always be manifested by his voice; and it would certainly be dangerous to give him the opportunity of delegating the power of touching the machine and voting yea or nay.

But, sir, when an innovation of this kind is proposed—an innovation which is entirely new, in any legislative body on earth, the British Parliament, or anywhere else, I apprehend that some reason should be given for it. I apprehend that the constitutional method of voting, which has been pursued heretofore should be shown to be erroneous in some particular.

The honorable Senator from Texas, however, has given a very singular reason for the introduction of this machine, which is, that it will enable Senators to make more speeches. If there be anything that would deter me from voting for it, it would be that consideration.

Mr. BUTLER. If the Senator from Texas insists upon this matter, I shall move an amendment by way of economizing time to enable us to determine when we will have a vote, and how we ought to vote. I suppose the spiritual rappers could ascertain that for us in ample time, and if we were in an ante-room we should know when to be in our seats to record our votes. [Laughter.]

But, Mr. President, in voting I should like to hear the Senator's voice. Sometimes it is very earnest; at other times it gives a very faint assent or dissent. The mere tones of the voice have a good deal to do with my judgment, and I do not know that I should be disinclined to acknowledge it openly.

Mr. HOUSTON replied to the objections of Senators *seriatim*.

The question was then taken on the resolution, and it was rejected.

MESSENGER TO THE SENATE.

The Senate proceeded to the consideration of the following resolution, some time since submitted by Mr. BADGER:

"*Resolved*, That the Sergeant-at-Arms be authorized to employ Preston Starrit, as messenger, from the first day of April, and that during the recess he shall, under the direction of the Sergeant-at-Arms, take care of the Senate committee rooms, and perform such other duties as may be assigned to him."

Mr. DOUGLAS. I do not know the person named in that resolution, nor do I know the object or necessity of it, but it has occurred to me that the appointing of messengers by resolution offered by this Senator and that Senator, disturbs the police of the Senate. I think we should intrust our police solely to the Sergeant-at-Arms. Let us provide how many messengers we shall have, and then put them under his charge, and hold him responsible. I know that heretofore when complaints have been made to the Sergeant-at-Arms, in relation to something that was wrong, he has told me, I have no control over that man. Some Senator takes a favorite, and puts him in by resolution; he is independent of everybody about the Senate; he is independent of the Senators; there is no mode of calling him to account, no mode of enforcing a compliance with rules. I dislike to interpose when Senators feel a personal interest in the matter; but really I am opposed to the system of appointing messengers by a resolution, and thereby relieving them from all responsibility to the Sergeant-at-Arms.

Mr. SHIELDS. My impression is that the Sergeant-at-Arms would appoint this man if he had the power, and I think he ought to appoint him. He is an excellent man whom I would like to see appointed. I would prefer, therefore, to let the resolution lie over for the present, until I can see the Sergeant-at-Arms in reference to it and ascertain whether he can appoint him.

The resolution was accordingly passed over.

HOUR OF MEETING.

Mr. WALKER's resolution to change the hour of meeting was considered and rejected.

REPORT OF THE COMMITTEE ON FRAUDS.

Mr. HOUSTON's motion to print ten thousand additional copies of the report of the Committee on Frauds and Abuses was considered but not disposed of.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein the doors were reopened.

EMPLOYMENT OF MESSENGERS.

Mr. BRIGHT submitted the following resolution:

Resolved, That so much of any resolution or order of the Senate as provides for the employment of any person by name or otherwise, under the direction of the Sergeant-at-Arms, be repealed, and that such persons shall hereafter hold their employment by the same tenure as other messengers.

On motion the Senate adjourned until two o'clock to-morrow.

SATURDAY, *April* 9, 1853.

Prayer by the Rev. J. G. BUTLER.

On motion by Mr. PHELPS, it was

Ordered, That William O'Brien have leave to withdraw his petition and papers.

ADJOURNMENT SINE DIE.

Mr. HUNTER submitted the following resolution; which was considered and agreed to:

Resolved, That a committee, consisting of two members, be appointed by the President *pro tem.* to wait on the President of the United States, and inform him that unless he may have further communications to make, the Senate will close this session at one o'clock on Monday next.

Mr. HUNTER and Mr. EVERETT were appointed the committee.

Mr. HUNTER subsequently reported that the committee had discharged its duty, and that the President had informed them that he had no further communication to make; he therefore submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President *pro tempore* close the present session by adjourning the Senate *sine die* on Monday next, at one o'clock.

THANKS TO THE PRESIDENT PRO TEM.

Mr. CLAYTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the unanimous thanks of the Senate be, and the same are hereby, tendered to the Hon. DAVID R. ATCHISON, for the very able, dignified and impartial manner in which he has presided over the deliberations of the Senate during the special session now about to terminate.

MESSENGERS TO THE SENATE.

The following resolution, submitted yesterday by Mr. BRIGHT, was considered and agreed to:

"*Resolved*, That so much of any resolution or order of the Senate as provides for the employment of any person, by name, as messenger or otherwise, under the Sergeant at-Arms, be repealed, and that such persons hereafter hold their employment by the same tenure as other messengers."

CUSTOM-HOUSE AT SAN FRANCISCO.

Mr. WELLER. I submit the following resolution for consideration:

Resolved, That the Secretary of the Treasury be requested to transmit to the Senate a copy of the report made by Gilbert Rodman, of California, to the Department, upon the subject of the custom-house at San Francisco, California.

I ask for the consideration of the resolution at this time. I do not know whether it is necessary to make any remarks in reference to it. A report which was made, in 1851, to the Department, disclosed a number of frauds that had been perpetrated while the custom-house was under the control of Colonel Collier. That report was on the files of the Department; but the Secretary has informed us that it has been abstracted. The accounts of Colonel Collier, in the mean while, have been adjusted at the Department. The agent of the Government has supplied the deficiency by making out a draft of the report from the rough notes. That report has been placed on file, and my object is to get it laid before the Senate at once, as I am sure it will be if the resolution be adopted.

The resolution was considered by unanimous consent and agreed to.

Subsequently a communication was received from the Secretary of the Treasury, transmitting the report; which was ordered to lie on the table and be printed.

MEXICAN CLAIMS.

Mr. SOULE submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Select Committee on Mexican Claims be authorized to file their report upon the matters submitted to their consideration after the adjournment of the Senate.

Resolved, That the Secretary of the Senate be authorized to receive said report and to have the usual number of the same printed.

Resolved, That the services of the clerk of said committee be continued for one month after the adjournment of the Senate.

MESSAGE ON THE FISHERIES.

On motion by Mr. HAMLIN, the vote on the passage of the resolution on the 6th instant, ordering five thousand extra copies of the report of the Secretary of State relating to commercial regulations with foreign nations, was reconsidered.

The resolution was then amended by striking out "five thousand" and inserting "two thousand," and was finally passed.

PUBLICATION OF DEBATES.

The Senate proceeded to consider the following resolution, submitted by Mr. SEWARD on the 7th instant:

"*Resolved*, That the Secretary be authorized to procure the publication in the National Intelligencer of so much of the debates in the Senate during the last session of Congress as has not been already published in that paper, and to pay for such publication and also for the publication of speeches at that session already made in the Intelligencer, the sum of four dollars per column."

Mr. CHASE. I hardly suppose that the Senate feels inclined to debate that resolution at this time, and for the purpose of testing the sense in regard to it, I move that it lie upon the table.

Mr. BRODHEAD. I will inquire from the Senator from New York whether he intends to extend the operation of the resolution back to the first session of the last Congress or to confine it to the last session. If it is confined to the last session I will vote for it.

Mr. SEWARD. The last session of the last Congress.

Mr. BRODHEAD. I ask that it may be so modified.

Mr. SEWARD. Then I will insert the words "of the last" before "Congress."

Mr. CHASE asked for the yeas and nays, but they were not ordered.

The question was then taken on the motion to lay the resolution on the table, and there were—ayes 12, noes 13; no quorum voting.

The PRESIDENT instructed the Sergeant-at-Arms to invite in absent Senators.

The question was again taken, and resulted—ayes 9, noes 19; still no quorum voting.

Subsequently the vote was again taken, and it resulted—ayes 16, noes 16.

So the motion was not agreed to.

Mr. CHASE. I think it very desirable that the Senate and the country should understand something of the nature and history of this system of paid reporting before voting upon this resolution. It is with very great reluctance that I offer any remarks at this period of the session; and nothing but a sense of duty would constrain me to do it. I have, however, looked into this history, and I feel bound to vindicate before the Senate and the country the vote which I shall give against the resolution of the Senator from New York, [Mr. SEWARD.]

It is now some five years since the practice of reporting in the Union and Intelligencer commenced. It has cost, for the National Intelligencer, $30,428 54, and for the Union $49,123 18. It originated in a resolution adopted on the 11th of August, 1848. At that time, as is well known, the public printing was disposed of by contract. The contractors were not the publishers of either of the party papers at the seat of Government. They were not, I believe, connected with the political press in any form. It so happened that, from some cause, the organs of the two principal political parties were not very well supported by subscriptions; and it was, doubtless, a principal object of that resolution to supply the want of popular support by governmental patronage. It provided for the printing of the proceedings and debates of the Senate alone in the Intelligencer and Union, at the rate of seven dollars and fifty cents per column. It did not prescribe the quantity of matter which a column should contain. It generously left that to the discretion of the publishers of the papers. The only duty devolved upon the

Secretary of the Senate was to ascertain the number of columns, long or short, wide or narrow, and to pay according to the number, at the rate of seven dollars and fifty cents per column.

This state of things continued until the commencement of the first session of the last Congress. At that time the publishers of the Intelligencer notified the Senate that they found the contract burdensome, and asked to be relieved from it. The ground of this step was understood to be that the publication of the debates of the Senate in full, and the abstract which it was necessary to give of the debates of the House, so incumbered their columns as to injure the circulation of their daily paper. It was a voluntary act upon their part. It was not called for by any action of the Senate. It was dictated by considerations of private interest. The paper was thereby left free to advocate the doctrines of the party to which the editors belonged, and to publish such matter, and such matter only, as they thought calculated to promote the interests of that party. Nobody could complain of that. It was all right and proper. The Senate acquiesced at once, and relieved the publishers from their contract.

At the last session of Congress both Houses elected the publisher of the Union printer to Congress, and fixed the rates of compensation. These rates, in my judgment, were not merely sufficient, but very liberal, not to say extravagant. I do not doubt that, with ordinary economy, under these rates, the publishers of the Union can make not simply ordinary profits, but an ample estate out of the public printing. I believe this opinion can be sustained by the judgments of practical printers.

Thus, sir, stands the case at this moment. The publishers of the Intelligencer have voluntarily declined to continue reporting under the contract, and the publisher of the Union has obtained the public printing; and therefore the whole reason which originally induced the Senate to contract for the printing of the debates in the two papers, has entirely ceased. There is now no argument, either of a party or of a public nature, known to me, which will at all justify the continued printing of the debates in full in either of these papers. And it should be remembered that the contract was in terms a temporary one. The resolution which authorized it, expressly declared that it was to continue only "until otherwise ordered by the Senate."

But let me proceed with this history. Soon after the printing of the proceedings and debates had been discontinued in the Intelligencer, a resolution was submitted by the Senator from New Hampshire, [Mr. NORRIS,] requiring the Secretary of the Senate to audit and settle the accounts of John C. Rives, the publisher of the Daily Globe, for printing the debates and proceedings, allowing him the same compensation as that paid to the publishers of the Union—namely, seven dollars and fifty cents per column. That resolution passed the Senate; and then we had, as before, two papers in the city printing our proceedings and debates, and at the same expense.

Now, sir, is there any reason which will justify the Senate in employing and paying these two sets of publishers and reports to do the same work? I can see none, even of a party character, so far as the Union is concerned. That paper, as I have shown, is amply provided for by the public printing. Still less can I see any so far as the Intelligencer is concerned, for that paper, for the very purpose of being left at larger liberty to promote party objects, and consult the taste of its readers, declined the contract.

And now I ask the attention of the Senate—and I hope my statement will attract the attention of the country also—to the expense of this printing our proceedings. Before the contract with the Intelligencer and the Union the printing of the debates of Congress was a private enterprise. Public patronage in the shape of large payments for reporting and publishing was not considered necessary to secure sufficient publicity for Congressional proceedings. The prospect of additional circulation was a sufficient stimulus to induce the publication of very full accounts of what was done, and of all the speeches of the members of either House, which the country desired to read. I refer those who would inform themselves on this subject to Niles's Register, to the Globe as published by Blair & Rives, and to the Intelligencer. The Register of Debates, published by Gales & Seaton, had, I believe, a very limited patronage by Congress; but the commencement of which has grown into a wasteful and extravagant system may be found, I think, in an order of the Senate passed in 1846, authorizing each Senator to subscribe for twelve copies of the Congressional Globe, at six dollars for the long session, and three dollars for the short session. This action of the Senate was followed the next year by an order of the House authorizing each of its members to subscribe for the same number of copies, and on the same condition. Three years later, in 1850, another order was passed by the House, authorizing each member to subscribe for twelve additional copies. This was before the passage of the Senate resolution of the last session, authorizing the publication of the debates in the Globe, at the rate of seven dollars and fifty cents per column. Let us see what was the amount of encouragement thus extended to the reporting and printing of Congressional doings and debates. Sixty-two members of the Senate received twelve copies each, which makes seven hundred and forty-four copies; and two hundred and thirty-three members of the House received twenty-four copies each, making five thousand five hundred and ninety-two copies. The subscription of both Houses, therefore, amounted to six thousand three hundred and thirty-six. Congress took six thousand three hundred and thirty-six copies of this publication. This was equivalent to a pretty large list of cash paying subscribers, and could hardly fail to make the publication profitable. Now, sir, if the worthy publisher of the Globe should think fit to discontinue it, (which I certainly do not desire,) does any man, can any man doubt that this public subscription, together with the certainty of private patronage, would induce competent publishers to undertake a similar work, and report the whole proceedings and debates as fully as they are reported now? And yet, as I have already stated, we are paying the publisher of the Globe, under the resolution of the Senator from New Hampshire, seven dollars and fifty cents per column for preparing the very work for which the subscription is made. The subscription amounts to $38,016 for the long session, and $19,008 for the short session. The amount paid under the resolution of the Senator from New Hampshire, since its adoption on the 29th January, 1852, is $23,433 78—say about $17,000 for the long, and about $7,000 for the short session. This is not all, for the House of Representatives, following the example of the Senate, has directed its proceedings also to be published in the Globe, at the same rate of seven dollars and fifty cents per column. I find upon reference to the appropriation act of August, 1852, that the sum of $21,000 was then appropriated to pay for reporting the proceedings of the House in that paper, and the further sum of $649 50 to a balance, for reporting and publishing during the preceding Congress. I also find in the deficiency act of the last session a further appropriation of $9,375 to pay for like services during that session. These, Mr. President, are considerable payments. This business of reporting even in a single paper is very costly. I am by no means certain that the practice improves the character of the debates. I do not know that it adds anything to the consideration of the Senate or the House with the country. I do not believe it does either. I think it a bad system. It makes it the duty of the reporter to set down every word uttered, no matter how trivial, how unimportant, or how ill-considered. It sends at vast expense much that is valuable, indeed, but much also that is worthless, and not a little that is worse than worthless, all over the country through these hired agencies. But, sir, if the system were good in itself, why employ more than one paper? Does not one cost enough? Is it not enough to pay some $38,000 in the way of subscriptions, and about the same sum for reporting and publishing for each proportionably for the short sessions? This looks a good deal like paying for publishing a book, and then buying the greater part of the edition. Is it worth while to pay more than one publisher?

In respect to the Globe we have gone even beyond paying for publishing and buying a large part of the edition. We have provided that the residue of the edition may be distributed free through the mails. No such advantage is enjoyed by any other paper in the country. It is a great advantage. The privilege of a free receipt in any section of the country however remote, is an inducement to subscription for the Globe, which must be decisive with every person who takes a paper for the sake of information in respect to Congressional proceedings. No man will take the Intelligencer or the Union to learn what is done in Congress, and pay postage when he can get the full reports of the Globe without paying postage. If the resolution of the Senator from New York should be adopted, will not impartiality require that the privilege of free circulation be given to both these papers?

Mr. President, I am not one of those who object to sustaining a party press by giving it the public printing, in the ordinary legitimate course of business. Those who represent the popular majority have a clear right to prefer in public employment presses or persons of like political opinions. But it is an abuse of power to promote party or personal objects at the expense of the public interest. Senators and Representatives are trustees for the country. We have no right to give extra prices to political friends rather than legitimate prices to political opponents. We are bound to regard sacredly the public interest; and in the disbursement of public money intrusted to our charge, to observe economy. I have shown beyond all controversy, I think, that no good reason of a party or public nature exists for the publication of Congressional proceedings and debates in the Union even—much less can any such reason be given for their publication in the Intelligencer. So far am I from being willing to extend the system, and now, after having substituted the Globe for the Intelligencer, under the circumstances I have described, to renew the employment of the latter, and thus pension a third paper upon the Treasury, and pave the way for the introduction of a third corps of reporters, that I would discontinue the employment of the Union. For one, indeed, I am ready to say that I would discontinue the system of paid reporting altogether, and leave the whole business to private enterprise. I have no doubt it would be a very sufficient and adequate substitute.

The resolution under consideration proposes to hire the publication of the debates and proceedings of this special session and the last session of the last Congress in the National Intelligencer. These debates and proceedings have already been published in two papers at large. All the papers in the country have laid before their readers such accounts of them as their conductors thought sufficient. The Intelligencer itself has done so. It has made its own selection. It has published such speeches as its able and accomplished editors had thought fit to publish. It has not excluded altogether the speeches of political adversaries. It has published such of these as its editors regarded as having enough of intrinsic merit to warrant their publication. Its course in this respect has been such as the established character of the paper and a proper regard for fairness required. It has fulfilled its whole duty in this respect. It has done all that could be reasonably asked of it. Why ask it to do any more? Why employ it to do any more? What is the object of this proposed republication from the Union and the Globe? What justifying, what plausible reason even, can be assigned for the large expenditure of public money which it will necessitate? A single reason only has been suggested. It has been said that the proposed republication in the Intelligencer will give wider publicity to the proceedings of Congress. Under the circumstances, this is hardly more than suggesting that a little additional circulation may in this way be obtained for a few speeches which had not merit enough to induce voluntary republication.

Mr. SEWARD. If the Senator will give way for a moment, I can perhaps save him the necessity of continuing his remarks.

Mr. CHASE. I prefer to go through with what I have to say. I cannot think, Mr. President, that the argument I have just referred to has any real weight with Senators. What, then, is the object? I hear it said that the proposed republication will not be profitable to the Intelligencer. The amount to be paid under the resolution

will not, it is said, reimburse the expense which the proprietors of the paper would incur. The republication, then, in that point of view, is a favor to the Senate. What will be the consequence? Why, sir, at the next session you will be called upon to continue the publication of the debates and proceedings in the Intelligencer at the old rate. Taking the premises of the advocates of the resolution, I can see no other object than to reinstate the Intelligencer in the employment which it voluntarily declined. I am unwilling to take any step towards this result. But, sir, taking for granted that the suggested reason of this proposition is the real one, assuming that the true and only motive for bringing it forward and pressing it upon the Senate at the but of the session, when there is hardly a quorum present, is a patriotic desire to enlighten the people by placing before the largest possible number of readers our reported proceedings and debates, let me suggest a far better mode of accomplishing the object: order this republication in the National Era. Republishing in the Daily National Intelligencer our debates and proceedings, would be to spread them before some two thousand additional readers. If transferred to the Tri-Weekly they would reach four or five thousand more. Republished in the Era, they would reach twenty-eight thousand additional readers. I do not say that all the readers of either paper will read these reports. Indeed, I apprehend that very few persons find time or inclination to go through them in whatever paper they may be found. I only say that if the real object of the resolution is to place them before the greatest possible number of persons, the Era is the proper paper for the republication. That is the paper, if any, in which the public interest would require it; for it has by far the largest number of readers. I believe I may safely say that it has, at this moment, a larger number of subscribers than all other papers in the city put together. It has probably three times as many as the Intelligencer, and more than three times as many as the Union. This is certain, unless the circulation of those papers has increased considerably within eighteen or twenty months. Then there is another consideration at once pertinent and important: That class of American citizens who read the Era and act upon the principles which it promulgates and defends, is often spoken of here as wanting in liberal and enlightened patriotism and in proper devotion to the domestic institutions of the country. What could be more prudent or more benevolent than to give these numerous fellow-citizens of ours the means of correcting their errors by the perusal of the able and luminous speeches made here, in which the true political faith is illustrated and defended? Some of the speeches made by my friend from California, [Mr. WELLER,] might be extremely valuable in that point of view. It is possible that the great good to be anticipated from the circulation of sound doctrines among so many benighted persons might warrant a little stretch of patronage; I cannot say, however, that I would favor even that. I am content, upon the whole, that the readers of the Era shall be left to get their light as they get it now: to subscribe for such papers as they choose to subscribe for, and to correct their errors, if errors they contain, without the help of Congress. I only say that if the real object of the resolution is the widest and most beneficial diffusion of information in respect to debates and proceedings here, that object can in no way be so completely attained as by the republication of the reports of them in that paper, recommended above all others by its large circulation, and as highly as any other by the fairness and ability with which it is conducted. For myself, I repeat, I am against the whole system; I am against its perpetuation and extension, by the adoption of the resolution now before us. Instead of perpetuation and extension, I am for abolition. And I want to begin now. Before I take my seat, I mean to submit a motion to amend the resolution, by striking out all after the word *resolved*, and inserting an order to discontinue the publication of our proceedings in the Union after the present session. This will be a step in the right direction, and I have stated the reasons which make it especially proper that this step should be taken now. Hereafter, we may go further. For the present, I shall not object to the continuance of the existing system of reporting in one paper and by one corps of reporters. I shall, however, vote for its complete abolition if proposed by any other Senator, under the perfect conviction that the whole business of reporting may be safely left to private enterprise, and that everything said here worth repeating, will be reported.

I beg leave to submit the following amendment:

That from and after the present session, the publication of the proceedings and debates in the Union be discontinued.

EXECUTIVE SESSION.

A message was here received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary; and on motion by Mr. MASON, by unanimous consent, the consideration of the resolution was informally passed over, and the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

DEBATES OF THE SENATE.

The Senate resumed the consideration of the resolution in relation to paying the National Intelligencer for printing the debates of the Senate.

Mr. BUTLER. I have no time to discuss many of the topics which have been dwelt upon by the honorable Senator from Ohio. I assure that Senator that he by his speaking has rather changed my mind. I was inclined to vote against the resolution. I am satisfied now that I ought to vote for it and against the amendment, because if the amendment be passed the effect of it will be to give to the Globe the monopoly, the exclusive privilege of spreading our debates before the country. If you dispense with the Union, the Intelligencer, and the Era, what is the result? The Globe is then the exclusive vehicle for spreading the debates through the country, and that of course will increase its circulation. I opposed the conferring of the franking privilege upon the Globe. I have opposed all this system of bounty. My judgment is that there ought to be no hired reporters, though on that point, when on a former occasion we discussed this subject, several distinguished gentlemen, Mr. Calhoun amongst the rest, differed from me. I know that very distinguished men who represented minorities, said that they had not fair play and would not have unless they had some way of throwing out their speeches in every part of the Union. At that time there was an organization almost systematic in its character to exclude southern speeches from northern prints, and when they did go to the North it was with comments which always destroyed their effect. Since that perhaps the people at the North have read the speeches made by southern men in the Senate—how far public opinion has been affected by it I know not—but the only way to reach the public mind—and I suppose public opinion is the tribunal by which this Government is to be controlled—is to throw out the debates impartially. So far from voting for the amendment limiting the circulation of the debates to the Globe and excluding the Union and Intelligencer, or confining it to the Globe and Union as is done at present, I see no reason why we should exclude the Intelligencer, which is an old paper, somewhat consecrated in my memory, for it was the first I ever saw, and I remember well carrying it from the post office. That was many years ago. I learned to read by its editorials; in 1812 and '13 I have been stirred by reading its columns, and I hardly ever see it now without having some associations called up with former and better times.

I shall vote for the proposition, and I shall vote for it distinctly upon the ground that I go for free, fair, and impartial discussion; and I am willing to make the Intelligencer one of the vehicles for throwing our debates out to the country, because I believe it to be a tolerably fair paper. At any rate it conducts itself with dignity. I do not think the Era ought to lose the simplicity of its character. Let it be confined to its own business. But I have no idea that a paper like the Intelligencer should be excluded when others are included. My judgment would be to have no official reporting, but to let the different papers take the debates and use them as they can. I know there are many who differ from me, and think that that mode would operate unfairly to the minority, and that in regard to public opinion the majority would have the advantage in the contest. I do not know whether it would or not, but if you give the reporting to one paper I go for the whole, that is for all fair papers, because I would not go for any mere partisan which had some idiosyncrasy in its temperament that would prevent its acting fairly.

Mr. RUSK. I was here when the present system of reporting was adopted. There was a good deal of discussion as to whether Congress should employ paid reporters to publish their debates. It was ascertained that under the old method which was pursued—that of each gentleman reporting his own speeches—constant mistakes were occurring as to what had been said by members, some of which were charged to have been wilfully made, and others arose from the difficulty of reporting, for it is a business which requires talent to make correct reports. The matter was a good deal discussed. One system was adopted and abandoned, and afterwards a committee was appointed, on the motion of the late Senator from Missouri, [Mr. Benton.] That Senator and myself were on the committee. We reported the present system of employing reporters. It is no speculation on the part of newspapers. We called before us practical printers, men on whom reliance could be placed, and also those who were familiar with reporting, and we settled the compensation at a fair living rate, which was seven dollars and fifty cents for reporting and publishing in the Union and Intelligencer. They complained afterwards, and I think with just cause, that it hardly remunerated them for the trouble and expense which they incurred. It is a pretty expensive business, for it requires a large corps of reporters, and a great deal of labor. Everybody knows the manner in which our debates have been reported under the system.

The Intelligencer, as has been stated, declined the business, and now I understand the resolution before us to amount to this: that for publishing the debates they shall be paid four dollars per column, striking off three and a half for the reporting. I am not prepared to say that it is not better to have but one corps of reporters, but I think it is not, for when there are two corps one acts as a check upon the other. At any rate as it now stands we are paying two establishments for the publication of our debates, the Globe and the Union. One of them is a neutral paper, while the other belongs to the party that is in the majority in the Senate and in the country. The Intelligencer, which is read by a large number of the opposite party, is excluded from publishing the debates, and its party is excluded from the benefit of reading them. I do not agree with the Senator from Ohio by any means, that this is a job for the printers; nor do I agree with him that there is such a vast deal of trash thrown out in the way of public speeches; and if it were so I think the further and wider it is published the better, because it will bring the people to the correction of the evil. I think the further and wider we extend the intelligence of our proceedings here, what gentlemen do and what they say, the better it is. It will have a salutary influence upon us, and according to my conception it will have a beneficial influence on the country.

What is the question before us? Here is the Democratic party, which is in the majority, paying one paper that is clearly a Democratic paper, and paying another, the editors of which everybody knows to be Democratic, although its editorials do not pertain to party matters, and we are asked also to pay the Intelligencer, a Whig paper, and one of the oldest in the country, and allow me to say, for I have read it a great deal, one of the fairest I have seen, when it comes to a statement of facts in regard to public men. I do not believe in the doctrines which it inculcates and advocates, but I have seen no unfairness in it in regard to public men. It is one of our oldest papers, and as the Senator from South Carolina has said, it is associated with earlier and, I agree with him, better days, when there was more principle and less patronage connected with parties than there is at the present moment. Now the question is are we willing to pay that paper for publication? We are not asked to pay for a corps of reporters. I hope we will do it. I hope the Senator from Ohio will consent to it. The Intelligencer is taken by a large number of highly respected people throughout the country. All the leading Whigs, all the old men, and a great many Democrats take

it. I think it is nothing but right; I think it is but an act of justice; and, sir, I think it is but an act of magnanimity which I cannot find it in my heart to refuse.

Mr. WELLER. I did intend to say a word or two in reply to my friend from South Carolina, but as he seems to be in so witty a mood to-day, I am afraid of provoking a reply. [Laughter.] At all events, the safer course is to let him pass. However, I want to say a word or two in regard to this question. In my judgment, it is not a question of magnanimity at all. It is a question of justice. We who are in the majority here, have our debates published in the paper which is recognized as the organ of the Democratic party of the country. Now, I ask whether the Senators who are in a minority on this floor have not a right to have their views disseminated through the paper which they recognize as their organ? That is a matter of justice. I wish to say nothing upon this floor which I am not as willing should be read by the Whig party as by the Democratic party. Besides, if Senators who are in the majority will look at this question, they will see that by the publication of Democratic speeches in Whig newspapers they may reach Whig hearts and induce them to turn from the error of their ways and come into the Democratic party. How can Democratic Senators here who are daily enlightening the Senate upon the great principles which are involved between the political parties expect their learned discussions to reach the Whig heart unless they are republished in the Whig organs? Therefore, believing that the great body of that party stand in need of information, and that the readiest way of getting them enlightened upon these questions is to republish our debates in the Whig newspapers, I shall vote for the resolution; for, as I have said already, I believe it is but an act of justice. You have no right, because you are in the majority here, to select one of your party organs, and say that all the transactions of the Senate shall be published in it exclusively. There are a vast multitude of ignorant men in the country who are readers of the National Intelligencer, and other Whig papers, and who stand in need of information. [Laughter.] It is a matter of justice, as well as policy, that in dispensing your patronage, you should look to their interests as well as to your own political friends. If I were to select one paper in which to publish the debates, I would select the National Intelligencer, because the Democratic party is already sufficiently enlightened, [renewed laughter,] while the Whig party stands in need of information. How many Whigs, unless some provision of this sort be made, will ever read the learned speeches of my friend from South Carolina?—and he never speaks without displaying great ability, and oftentimes great wit and humor, which is sometimes considered by the people as more important than wisdom. [Mr. Butler rose, evidently desirous to obtain the floor.] Mr. President, I am really afraid of provoking my friend from South Carolina. [Laughter.] If I have not already done so, I will stop.

Mr. BUTLER. I do not like to be back-bitten to my face. [Laughter.]

Mr. WELLER. I have nothing more to say except that I shall certainly vote for the resolution. If you had taken the vote in the outset, I would have voted the other way—I believe I did. I was voting with some gentlemen on the other side of the Chamber [the honorable gentleman was standing on the side of the Chamber usually occupied by the Whig Senators] who think that all our debates should be published in the Democratic organ, and it struck me that this was an effort to give a little of the Federal patronage to a Whig newspaper, and on principle I would be as the Irishman said *fore-nint* that; but when I come to look at the question for myself, and apply the rules of justice by which I wish to be governed in all cases to it, I feel myself obliged to vote for it.

Mr. DODGE, of Iowa. For once, I find myself in Free-Soil company. I think the Senator from Ohio is right in the course which he has taken. As to the question of justice, I will say to my friend from California that when this thing originated, everybody said it was right to pay the Intelligencer as well as the Union, for the publishing of the speeches to go out *pari passu*. That state of things continued to exist just so long as the Intelligencer found it to be profitable to publish the debates. It very soon found that it was not profitable, and it thereupon notified us that it declined to continue the publication of them. A Senator from New Hampshire [Mr. Norris] then offered a resolution to substitute the Daily Globe for the Intelligencer; and the question now is, the Intelligencer having thrown up its contract, and we having substituted the Globe in place of it, whether we will go on and pay a third paper for publishing our proceedings—that third paper having declined the expense of reporting and publishing them already. It seems to me that it would be clearly improper. As to what has been said of the character of the Intelligencer, I indorse it all. I regard it as one of the most respectable papers, and it is published by some of the most respectable gentlemen in the country. I do not know that I have ever seen it descend to scurrility. I regretted to see it throw up its contract. I wished to see it continued; and if our system of reporting is continued, I wish, not that the Globe shall do the reporting, but that the Intelligencer, at the beginning of the next session, when it may be willing to meet the expense, shall do it. I wish that the two party papers should continue the reporting. I am, with the Senator from Ohio, against the whole system. The amount that has been paid for it, shows that it ought to be discontinued. It is one of those expenditures which has grown up in late days, commencing no further back than 1846, which ought to be dispensed with. It will, like the system of extra compensation, go on increasing until paper after paper will come in and ask to be paid for publishing the proceedings, and the whole thing will go by the board. These debates can be obtained very easily now. Here is the Globe, or Appendix, which can be got for one dollar and fifty cents, with the speeches of every member of Congress. In addition to paying for the publication in the Daily Globe and Union, we pay for the publication in the Congressional Globe itself, and we have given to it the franking privilege throughout the whole country. Every time this thing comes up to get money out of the Treasury, it is made a question of disseminating information among the people—a question of enlightenment; and we have it now raised in regard to speeches which were made long since, and published in the Intelligencer to the extent to which it was profitable at the time, and to no greater extent. I shall vote against the resolution.

Mr. CHASE. If this were a simple question of magnanimity I might agree with the Senator from California, but I regard it as a question of public duty. I think that those who advocate economy in public expenditures, and the reform of abuses in the Government, have now a chance to show the sincerity of their faith by their votes. I have not said a word against the National Intelligencer. It is ably conducted. It is a staid, decorous, conservative, highly respectable paper. Conservatism is always respectable; progress is sometimes too earnest, too emphatic, energetic, to be respectable, in the conservative sense of the word.

But, sir, what have we paid already to this paper? We have paid the Union, under the resolution of August 18, 1848, $49,123 18. We paid the Intelligencer up to the time when it voluntarily discontinued its contract, $30,428 54. These are large sums. As the Senator from Iowa justly observed when the Intelligencer voluntarily discontinued its contract, we substituted the Globe for it, and the simple question now is whether we shall reinstate the Intelligencer in the employment which it abandoned and thus have three corps of reporters, and three printers at the next session instead of two. I have already said I am perfectly willing to give up the whole system as an unsuccessful experiment. I do not think it desirable to continue it at all; and I will go with any gentleman who may propose its abolition. But if we are to have a system at all, certainly we want but one corps of reporters. We do not want two; much less do we want three. Every Senator who looks at the reported proceedings in the two papers now employed will find frequent discrepancies. These are unavoidable when two distinct corps are employed. The reporters of both papers are as able and accomplished men as are to be found in their profession; none could do their work better. But what we want, if we want any reporters under the sanction of the Senate, is an authentic account of our proceedings by one responsible body of reporters, which will stand for all time, and which cannot be contradicted or varied by a reference to any other reports under similar sanction.

One corps of reporters will cost enough, as I have already shown. It will cost at least $50,000 for the Senate during the long sessions, and I do not know how much for the House.

The Senator from Arkansas, [Mr. Borland,] very well says that whatever may be the merits of a proposition to employ the Intelligencer in future, there is no propriety in paying for the republication of old debates already reported. Who believes that the speeches will be read, if we reprint them? The session has passed away: the interest in the debates has gone.

I think, Mr. President, that the whole system had better be discontinued, and that we had better make the beginning now. I propose to commence with the Union, because it is the paper which represents the majority in this Chamber, and for which the majority have sufficiently cared by giving to its proprietor the public printing. They have given him a fortune in that office, and I see no reason for making a larger addition to it, in the shape of compensation for publishing our proceedings.

So far as the dissemination of information is concerned, I have shown the Senate already that if you wish to place the speeches of Senators before the greatest number of readers, and especially if you want to correct opinions which most of the gentlemen here regard as heretical, there is another paper to which your regards should be extended—a paper which has a greater circulation than all the other papers in this city put together. Its readers are scattered through the whole country. It is read North; it is read South; it is read abroad; it is read by a class of citizens who, in the judgment of many Senators, especially need to be enlightened. If you are going to undertake the correction of Whig judgments by the republication of old speeches, is it not worth while to go a little further and try the efficacy of the process upon these Independent Democrats? A Senator near me seems to demur to this name. It is the right name. Other designations, I know, are more common here and elsewhere. They are most frequently used by those who fear the growing conviction among the people that the sincerest and deepest devotion to Democratic principles is found among the opponents of slavery, and that they are best entitled to the name of Democrats who most faithfully carry out the doctrines of Democracy. But if all this is a mistake, and these voters are indeed visionaries and errorists, why not give them the light of your debates? They go for too much reform. They go for too much progress. They are in too great haste, gentlemen think, to bring about the political millennium. Now, place your speeches before them. Correct their errors. Disabuse them of their false impressions. If you succeed as well as you seem to have succeeded with the Whigs, (for it is hard to distinguish one of the Baltimore platforms from the other,) what an era of peace and harmony and union we shall have!

Mr. President, the Senator from Texas [Mr. Rusk] takes exception to my remark, that a great deal of trash goes abroad under the name of debates and proceedings of the two Houses of Congress. I may have used too strong a word; and certainly I did not mean to characterize the speeches of Senators as trash. When Senators speak, I listen always with respect, often with interest and instruction. Many speeches made here are able, important, and permanently valuable. But who does not know, also, that much goes into their reports, which is of no value and no interest? How much that is trivial, how much that is absolutely frivolous takes place here and finds its way into the reports? I have no desire that all this should go abroad. It does not enhance the dignity of the Senate. I fear, indeed, that the reputation of this body has not improved in the judgment of the country since this system of reporting was adopted. If it be extended, if reporter be added to reporter, and printer to printer, and job to job, you may rest assured that

it will go down under precisely the same public odium which has overwhelmed constructive mileage and extra compensation.

Mr. DODGE, of Iowa. I move to amend the amendment by adding "and Globe."

The amendment to the amendment was rejected; and the question recurring on the amendment, it was rejected.

Mr. CHASE. I move to amend the resolution by inserting after the words "National Intelligencer," the words "National Era;" and on the amendment I ask for the yeas and nays.

On a division of the question on ordering the yeas and nays, only four Senators rose in its favor, and

The PRESIDING OFFICER (Mr. STUART in the chair) decided that they were not ordered.

Mr. CHASE. I ask for a count on the other side.

The PRESIDING OFFICER. The Chair does not think that necessary. It requires one fifth of a quorum to order the yeas and nays, and four Senators are not one fifth.

Mr. CHASE. I apprehend it is the duty of the Chair, whenever any Senator calls for a division upon any question, to have it. That application is not to be limited to the mere ascertainment of the existence of a majority in favor of any proposition. It requires a majority to carry a proposition. It requires one fifth of the Senators present to entitle the Senator who demands them to the yeas and nays.

The PRESIDING OFFICER. The opinion of the Chair is, that upon any question which requires a quorum to act upon it, it requires one fifth of a quorum to order the yeas and nays; upon a question which does not require a quorum to decide it, as to adjourn from day to day, one fifth of the Senators present can order them.

The question being taken on the amendment, there were, on a division—ayes 2, noes 24; no quorum voting.

Mr. RUSK. I hope the Sergeant-at-Arms will be directed to request the attendance of absent Senators. I do not like to see a thing defeated in this way.

Mr. CHASE. I am sorry that the Senator from Texas does not like to see this thing defeated in this way; but this resolution is supported upon the ground of placing information before people who need to be enlightened by Democratic speeches. Now, I only say that if this is the real ground of the resolution, consistency requires the selection of the paper which has the greatest number of readers, and that paper is the National Era. The resolution is also sustained upon the ground of courtesy to a minority. Now, undoubtedly the readers of the Era, I mean of course those who accept the political faith advocated by it, are in a minority. Possibly, at the present moment they are in a smaller minority than the Whigs.

A SENATOR. Are you sure?

Mr. CHASE. I rather think so. [Laughter.] There has not been a count since the late election, and I cannot be absolutely certain. We are increasing, and the Whigs are decreasing. [Laughter.] If, then, the argument of courtesy to a minority is good, why not extend it to that minority which is represented by my friend from Massachusetts [Mr. SUMNER] and myself? I appeal to the magnanimity of the Senator from Texas. I know his generosity; I know his fairness. I do not see how he can gainsay this practical application of his own principles which I commend to him. I hope he will reconsider his position and award to the liberal, growing, independent Democratic minority the same courtesy which he is so ready to extend to our Whig friends.

Mr. WELLER. It seems to me that the Senator from Ohio has given a new name to the old Abolition party. Everybody knows, or ought to know that the party to which he alluded is the Abolition party. He designates it as the Independent Democratic party! I know of no such organization. And as to the Abolitionists, it is utterly impossible by the publication of any debates here to change the minds of the readers of the National Era. It would be casting "pearls before swine." Like Ephraim of old, they are "joined to their idols." We had better, therefore, "let them alone." [Laughter.] I am not disposed to give any consequence or importance to that newspaper by making it the publisher of any portion of the debates of the Senate. I know of no practical good which the publication in that paper can produce to the country. I cannot consent to encourage either directly or indirectly a press which advocates doctrines calculated to distract and divide the Union. That paper is the organ of a faction which has already done much to disturb the harmony of the States, and weaken the bonds which bind them together. The patronage of the Senate should not be so distributed as to aid in this unhallowed work.

All that I desire to say to the Senator from Ohio is, that I could not understand his assertion when, the other day, he claimed to be the representative of the great Democracy of Ohio! Does he suppose that the Democracy of that State will recognize that Abolition journal as its organ? Do they look into that paper for the purpose of finding their political creed? Do they examine it for the purpose of determining what the honor and justice of the country may demand from them? If, sir, they do, then, as I said upon another occasion, I was a false representative of that party in the memorable gubernatorial campaign of 1848. But now I am enabled to comprehend the Senator. The Independent Democratic party! Sir, there never has been any other party, known as the Democratic party, but the Independent Democratic party—a party that was founded upon principles—principles which they believed to be inseparably connected with the prosperity and happiness of the country. It was always *independent*, because it sought to stand aloof from all factions and all cliques, and to look with an eye alone to the well fare and happiness of the whole people—a party who have labored from the beginning to perpetuate the Union by securing to each section of the Confederacy the undisturbed enjoyment of its constitutional rights—a party who are content with the Constitution given them by their fathers.

If the Democracy of that great State have become abolitionized; if they have abandoned the safe and sound constitutional principles which they so zealously sustained in the olden times; if they have thrown themselves into the arms of a miserable faction, then the Senator from Ohio may claim to be their true representative. But, sir, such is not the fact, and therefore it was that I affirmed that he was not the representative of any portion of the Democracy of that State which I regard as sound. In sustaining the Abolition organ he surely does not represent them. I regard him as the exponent of a faction. I regard him as belonging to a clique—to a faction that has been organized for the purpose of destroying the peace and tranquillity of the Union; and if they succeed in carrying out their measures, the result must be the inevitable dissolution of the Government. I have been provoked, I grant I have been provoked, because he comes here and claims to be the representative of the Democracy of my native State, with which I was so long identified previous to my removal to the Pacific. That he should claim to be the representative of that Democracy, that he should claim that the views which he entertains upon all these political questions are the sentiments of those with whom I have spent nearly the whole of my life, and with whom I have battled in the fiercest contests known in the history of any State, has provoked me I admit. I have not lost my temper however, for I claim to be a good-natured man and not easily moved. I have endured this with a good deal of philosophy. I have sometimes felt myself called upon to speak, because I was the only native of Ohio upon the floor of the Senate; and if I could not be allowed to vindicate her reputation from what I considered the foulest aspersions, I could not tell to whom she would look for it. I repudiate now publicly the idea that the Senator from Ohio represents that portion of the party with which I was connected when I was a resident of that State. He may be the true and faithful representative of what is usually known as the Connecticut Reserve in Ohio. It is the hot-bed of Abolitionism, and the hardest place any democratic christian ever went into. [Laughter.] They are a peculiar people, a very remarkable people; and therefore I am free to admit that my friend from Ohio—for he is my personal friend, and I would not disturb a hair of his head—is their representative; but at the same time, I say in all courtesy, that he must allow me to repudiate the idea of his representing the Democracy of that State. In the name of the sound and true men of Ohio, I deny that he is entitled to this position.

Now, Mr. President, I do not know that I should have said anything upon this occasion or engaged in this unprofitable debate if it had not been for the fact that we have no public business to transact. I would not have been justifiable in imposing remarks of this character upon the Senate, if there had been any public business before us demanding action; but everybody knows that there is nothing for us to do. We are only waiting on the Executive for political victims. The Senator from Ohio has been speaking to-day with no other view perhaps than to spread his speech out in the columns of the Globe. I am willing that it shall go there; and whenever he makes a speech in the Senate, and gives me an opportunity to make a short reply, I will contribute a small amount towards its free publication in the National Era, in order that his constituents upon the Connecticut Reserve may have the opportunity of perusing it. They have a strong affection for me in that region. [Laughter.]

Mr. CHASE. The honorable Senator from California has shown his regard to the State of Ohio in one mode; I have shown mine in another. I was not born in Ohio. I went to the State in my boyhood, from New Hampshire. I identified my fortune with those of her people. I have witnessed, and so far as lay in my power, have contributed to her development and growth. She has become a great State. I am proud to be numbered among her sons. Her honor and prosperity are very dear to me. The Senator from California was born in the State; but he left it in the prime of his manhood, and became a citizen of California. He became a citizen of the State by accident—I by choice. I abide—he has departed. Departing, he left behind him many who regret his absence. His regrets on account of separation are probably mitigated by the reflection that he is no longer in any degree responsible for the action of "that abolition State."

Mr. President, the honorable Senator has said that the publication of these debates in the National Era, would be "casting pearls before swine." The honorable Senator seems to be learned in Scripture. He has studied it at all events so far as to be able to make a quotation; but I submit to the candid judgment of the Senator, whether, in point of fact, and so far as their intercourse with gentlemen here or elsewhere is concerned, the readers of the Era are more entitled to that designation than the readers of other papers, which I will not name. The readers of the Era are very numerous—perhaps not less than a hundred thousand. They constitute a pretty large proportion of the thinking men and women of the country. They are independent in their judgments—not apt to follow leaders, unless they know who they are and where they are going. They form their own opinions; and what is most wonderful, they adhere to them in a minority, just as firmly as when in a majority. It is this peculiar trait of fixed adhesion to their principles, which some persons, who desire nothing so much as to be in the majority, and dread nothing so much as to be in a minority, call fanaticism.

My friend from California and I have also different reasons for our different degrees of attachment to Ohio. He ran for Governor; he ran well; but he was beaten. I was a candidate for Senator, and was elected.

Notwithstanding my election he denies my right to represent the Democracy of the State. Now, I have never claimed to represent, in a strict party sense, that great and powerful organization which we know at home as the Old Line Democracy. I have acted with it when I could do so consistently with my known principles; but I have never abandoned my position as an Independent Democrat. I happen, however, to be the only representative the Democracy of Ohio has in this Chamber; and I will say, with whatever zeal and energy and fidelity the Senator from California has represented his constituents, he has not exceeded my devotion to the interests and the honor of mine. There are differences of opinion in Ohio. To some my opinions are doubtless less acceptable than those

of the Senator from California. I do not think them the less sound on that account. They are mine—the result of my own examination and my own reflection. I am ready to defend them whenever assailed, wherever questioned.

The Senator has referred to some remarks of mine made lately in Executive session. I do not complain of this. What I say in Executive session I am willing to have repeated anywhere. But then, as now, instead of claiming to represent the organization known as the Old Line Democracy of Ohio, I distinctly disclaimed all right to speak for it as a member of the party, because while I sympathized with the vast majority of those fellow-citizens of mine in all their generous devotion to the union of these States, while I rejected as they did many of the doctrines and opinions promulgated at Baltimore as anti-Democratic and anti-progressive, I did not feel myself at liberty to go with them in support of the nominees of the Convention. I claimed for the faith and opinions of Ohio all the respect and all the deference which is accorded to the faith and opinions of Virginia; and I refused to support candidates nominated upon a platform constructed as if in the very wantonness of contempt for the settled convictions of the people of my State, and declared to be such by successive Democratic Conventions for the last five years. If voting for Convention nominees is all that is necessary to make a Democrat; if Democracy is nothing more than unreasoning and unreasonable devotion to organization without regard to principles or measures, I certainly make no pretension to the name or character. But, sir, if holding in deep reverence and with earnest faith the old maxims of Democracy; if belief with Jefferson that all men are created equal, and are entitled to equal rights; if an honest recognition of the duty of carrying out these fundamental principles into their practical application, resolutely and without reserve; if fearless advocacy of economy and reform of abuses at home, and generous sympathy with the oppressed abroad; if earnest endeavors to advance our country upon the line marked out by our forefathers to the great destiny which fidelity to American principles will assuredly secure for her; if devotion to the Constitution and the union of the States; if these elements make a Democrat, I claim to be as good a Democrat as any I see upon this floor. I shun no scrutiny of my political opinions or acts. I am quite willing to have my title to the appellation of Democrat compared with that of any other Senator. I should not be surprised if some who challenge my Democracy, were to come out upon such a comparison a good way behind me.

The Senator from California tells us that the party represented by the National Era is the Abolition party, and that this party is vainly endeavoring to appropriate the name of Democracy. Why, Mr. President, it is the party which was organized at Buffalo in 1848. The President has appointed a number of gentlemen who were of this party in 1848, to high stations, and the Senate has manifested its accustomed liberality and good sense by confirming these nominations. I do not know that these gentlemen have recanted anything they said in 1848. It is true that the gentlemen thus nominated and thus indorsed, resumed their positions last year within party lines, and have voted for the nominees of the Baltimore Convention. But, I repeat, they have not recanted their opinions of 1848. Now, the party which was organized in that year has ever since been known as the Free Democracy or the Independent Democracy. For one, I like the last designation best, because it expresses best my idea of the organization; but I care little which is used. Certain it is that by one or the other the party has always been distinguished in the resolves of its public meetings and the proceedings of its convention. The great body of voters who compose this organization, and whose numbers increase from day to day, claim to be Democrats, because they hold in good faith all the cardinal maxims of the Democratic faith, and insist on their impartial application to all questions. They call themselves Independent Democrats, because they reject the dictation of the slave power. Courtesy and fairness, one would think, require that they be called by the name under which they choose to be known. If Senators, however, think proper to persist in calling them Abolitionists, it will do no harm. Mere names are of little consequence. Gentlemen may call me an Abolitionist if they choose, and I will promise not to be at all angry. The name would simply identify me in sentiment and opinion with some of the greatest and best men which ever lived, both of our own and other lands. It need not at all surprise gentlemen if that very name which they apply as a brand of reproach, should become, at no distant day, a crown of honor. I prefer, however, to designate the political organization of the opponents of slavery extension and nationalized slavery by the name which they assume for themselves. They will not find it difficult to establish their title to the name of Democrats, by any test which does resolve Democracy into a blind and servile adherence to organization without regard to principles. Here sit around me gentlemen who call themselves Democrats and representatives of the Democratic party of the country. I do not challenge their title to the name or character. I find myself generally voting with a majority of them; but how very wide are their diversities of opinion! There is hardly a question upon which they do not differ. There is perhaps no question upon which I do not vote with the majority of them as often as any one of themselves. Even upon that question which seems to rise up everywhere with a sort of omnipresence, challenging investigation and solution, how little agreement is there! Sir, there is no question of principle, there is no measure of policy upon which the Senators who compose the Democratic majority in this Chamber are unanimous. They agree absolutely in nothing except in supporting the same candidates for President and Vice President, in other words, the same dispensers of the vast patronage of the Government. And has it come to this, that in the nineteenth century, and past its noon, that a party organization is maintained upon the sole ground of organization and the support of convention nominations, and not by its recognition of any great universal principles applicable to the solution of all questions, and boldly applied in the solution of all? Sir, you may depend upon it that if this be so, the dead level of political stagnation has been reached, and that the great Democratic party which was organized under Jackson, is hastening to its decay and dissolution. The very moment the people become convinced that a great permanent comprehensive principle does not lie at the base of your action, animating, controlling, and directing it all, you will lose the confidence of the people; and when the confidence of the people is gone, the date of dissolution will not be distant.

Mr. WELLER. The Senator from Ohio is very much mistaken in supposing that I cherish any unkind feelings towards his constituents, because of my having been a defeated candidate for Governor in 1848. The history of that campaign is well known to the country. It was the only occasion in that State when the Abolition party did not unite upon a candidate of their own. I was so odious to them and their principles, that they united upon my opponent, and with the union of the Abolitionists and the Whig party they beat me some three hundred votes out of a popular vote of three hundred thousand. If I had remained at home and concealed my views upon the "Wilmot proviso" from the public eye, I should have succeeded beyond all doubt. This I well knew at the time, but I traversed the whole State and proclaimed my opinions fully and freely everywhere, preferring defeat to a dishonorable victory. I would scorn to hold any office by concealing my principles from the people.

But the Senator says that that election which resulted in my defeat placed him in the Senate. I know exactly how he was elected, and I should have supposed he would scarcely boast of such a victory. I understand the history of that election. The Senator had some three or four Abolition friends in the Legislature who held the balance of power between the Whig and Democratic parties; they had the power to control the action of the Legislature; they exercised it. They required an agreement as to the officers to be selected before an election for Senator could be had. They required them to enter into a bargain; and if he will allow me to say—and I say it with all proper respect—a dishonorable bargain; for it is a dishonorable bargain when a great party gets down upon its knees to some faction, and agrees to parcel out the offices. It was indeed humiliating to see a great party placed in this position. They were compelled, therefore, to go over to these three or four who were adhering to the Senator from Ohio. It was by a combination, an unhallowed combination between the Democracy of that day and the Free-Soilers that elevated the Senator to the place he now holds in this Chamber. If that be a matter for my friend to boast of, while he reminds me of my defeat, he is entitled to all the glory resulting from it. By such means I too could have succeeded. One word of conciliation to the Abolitionists, and I would have been Governor. I was beaten, but not disgraced. In the last campaign in Ohio he attached his fortunes to John P. Hale, and sustained him and his political platform. He utterly "repudiated and spit upon" the Baltimore platform. He could not support General Pierce, because he was nominated upon a platform which, in his judgment, destroyed all those principles which were dear to the Abolition heart. How many votes were cast along with that Senator in Ohio? Some thirty thousand. In the meanwhile the great Democratic party of that State recorded their votes in favor of General Pierce, thereby ratifying, confirming, and sanctioning the Baltimore platform. Does he represent the Democracy of Ohio? The Democracy of Ohio are content to take General Pierce with his principles as avowed by the Baltimore Convention; but the Senator utterly repudiates that, and that portion of the people backing him in his repudiation were thirty thousand, while the majority for General Pierce were, in the whole State, some eighteen thousand or twenty thousand. Therefore I had a right to assume that the Senator from Ohio did not represent the wishes of the people there, when some three hundred and fifty thousand votes were cast in that campaign, and the whole number who acted with the Senator was only thirty thousand. Therefore he represents thirty thousand, a large portion of whom are in the Connecticut Reserve. He is the exponent of their principles, and not the principles of the Democracy. He directed all his efforts to defeat General Pierce; he denounced the sentiments of the Convention which nominated him, and now he claims to represent the Democracy of Ohio! Is not such a claim absolutely ridiculous?

The Senator has said, too, that the Democratic party at the present session have indorsed some of the unrecanting Free-Soilers of 1848. When? The Democratic party, with that manliness and independence which I trust will always characterize them, avowed their principles through the Baltimore Convention to the world: they desired no man to take their candidate; they sought no concealment; they desired no one to take their candidate with a "generous confidence"—without the platform. They proclaimed their principles; they inscribed them upon their banner; they placed that banner in the hands of their candidate; they were so plainly written, that he who runs might read, and a wayfaring man, though an *Abolitionist*, need not err therein. [Laughter.] This was fair and manly upon our part. No man was called upon to sustain our candidate, unless he cordially, sincerely, and heartily responded to the principles incorporated in the platform. A very large majority of the people whom the Senator pretends to represent, did respond to them; and all of those men who were confirmed by the Senate of the United States who went with the Free-Soil party in 1848, came in at that contest, and gave in their adhesion to our principles by voting for our candidate; and all that we have said, therefore, in the ratification of the nominations alluded to, is that those who came back, and in good faith subscribed to our principles and supported our candidate, were entitled to a share of the Federal patronage. There has been no man confirmed who would dare to avow to the world the political principles which actuate the Senator from Ohio. Has an Abolitionist been confirmed—any of those who united with him in the last contest? Not one of them. Has any of them been sent in by the President of the United States? No, sir; and they never will. The President has no sympathies with the faction to which the Senator belongs.

The Senator says that this Administration has

taken men back into the Democratic party who have never abandoned the principles of the Buffalo platform of 1848. Sir, we judge them by their action. When they support our candidate and our principles fairly and manfully, we have a right to assume that they have seen the error of their ways, and have come back into the Democratic party. They could not support General Pierce without indorsing the principles upon which he was nominated. To proscribe a class because of their offenses of 1848, would be manifestly unjust. Wise men change their opinions; fools never do.

Now, Mr. President, I did not desire to have said anything in this discussion. I should not have been provoked to enter into it but for the repeated remarks of the Senator from Ohio, to the effect that he represents the Democracy of that State. With all respect to him, I claim that I am a much better representative than he is. In the last canvass in that State, it gave a large majority for the man whom I voted for, and who stood upon the principles I avowed; therefore I have a right to claim to be a better representative of the Democracy of that State than he is. When I come to analyze principles I am not willing to regard him as anything else than an Abolitionist. I have so regarded him from the beginning. I have known him in olden times. I have known him when he was canvassing the State in a hopeless minority, as he always will be in Ohio, for there is a vast amount of intelligence there, particularly off the Connecticut Reserve. [Laughter.] There will always be a majority there against the principles he avows; and you will never find in that goodly State a majority who will be willing to indorse the sentiments which have been oftentimes expressed here upon a particular question by the Senator who is accidentally here now.

Mr. President, I have said perhaps more on this subject than I ought to have said, but there are particular reasons why I have felt myself called upon to vindicate the character, and the honor, and the truth of the Democracy of Ohio. I owe them a deep debt of gratitude for the manly firmness with which they sustained me in one of the fiercest battles ever fought. Although I have found a home in a far distant land, I can never forget the brave and gallant spirits who gathered around me in 1848. I never can desert them.

In a social point of view, I should be sorry, sir, to lose the Senator from Ohio; but unless he abandons his errors and renounces his heresies, his political days are numbered. It is not probable that a contingency will ever occur again when a great political party will be willing to throw itself into the hands of a few Abolitionists, and sacrifice principle in order to obtain place. It is not often that such things occur, and therefore I count with a good deal of certainty upon the fact that, in two years from this time, the place that now knows him will know him no more forever. [Laughter.] He will go into the shades of private life, where he can have an opportunity of reflecting upon the errors of his past life. He will have ample time to show his philanthropy by devising some plan to improve the moral and political condition of our black population. His philanthropy takes in the whole family of man, black and white, and in retirement he may be able to do something to immortalize his name. I am sure his heart is right, but his head is awfully turned. There is evidently something wrong in that region. [Laughter.] He is obstinate; and having started wrong, the further he goes the worse it is. If he will repent in sackcloth and ashes, if he will renounce his errors, and promise to walk for the future in the path of Democracy and truth, we will allow him to take a place amongst us. I have some hopes of him, for

> "While the lamp holds out to burn,
> The vilest sinner may return." [Laughter.]

Mr. CHASE. This discussion, so far as it has assumed a personal character, is certainly not of my seeking. I have no disposition, however, to shun any responsibility which it may impose. It commenced in an effort to give a portion of the public patronage to the National Intelligencer, for no reason under the sun, that I can see, except to show the magnanimity of the majority in this Chamber towards the political paper of a minority. It seems to terminate in a discussion of the action of political parties in Ohio, and of some personal matters which concern myself.

The Senator from California has thought proper to refer to the local politics of my State, and to the events which resulted in my election to the seat which I now hold. And now let me say to him, and to all who concern themselves in these things, that so far as I have had any share in any political action in Ohio, I stand ready to meet the fullest and the most searching scrutiny. Sir, I have no political secrets. My public life has been so plain, so open, that he who runs may read its record. No man can truthfully say that I have ever deviated, upon any occasion or under any influence, by the breadth of a hair, from the path which fidelity to my long-cherished principles required me to pursue. It is true that I have acted in a minority. The time has been when I have stood almost alone. Some years ago, when I first promulgated those political principles which have ever since determined my action, I found few sympathizers or supporters. But I knew these principles to be sound. I believed them to be important; and I did not shrink from their defense then any more than I shrink from it now when their abstract correctness is generally admitted, and their practical application is resolutely demanded by tens of thousands of voters at the ballot-box. And let me say to gentlemen that they are indulging a vain dream if they fancy that these principles are to die out of the hearts of the people. They will go on conquering and to conquer. You may depend upon it that the faith of freedom is neither dead nor dying. You may depend upon it that it has lost nothing of that vital energy which has already overcome so many prejudices and changed so many convictions. The advocates of that faith shrink from no discussion. They desire it rather. They court investigation. They challenge scrutiny. They know that the more their principles and measures are examined and scrutinized the more they will commend themselves not only to the warm and generous affections, but to the sober and deliberate judgments of the American people.

And now, sir, let me further say that there is nothing in the circumstances of my election which I desire to withdraw from scrutiny here or elsewhere. The Senator from California may, if he sees fit, stigmatize the action of the Old Line Democratic members of the Ohio Legislature—and every one of whom, by the way, had just before supported him for Governor—as dishonorable. I never thought it so. There happen to be two Democratic parties in my State. The political platforms of both are substantially the same; but one insists upon the national recognition and adoption of its principles as the condition of support to national nominees; the other has hitherto supported national nominees without any such condition. The former is known as the Independent or Free Democracy; the latter as the Old Line Democracy; and many who act in the Old Line hold the State platform very cheap, and sympathize strongly with those who are known in other States as Hunkers; there are more, however, with whom the principles of the State platform are a cherished faith, and who of course sympathize more strongly with the Independent Democracy. Some two years ago, when no national election was pending, when the Old Line Democracy was in opposition to the National Administration, and of course not responsible for any proslavery action, many of the Independent Democrats, myself among them, supported the Old Line nominations. At this election, the Old Line ticket was elected by a large majority over all opposition. Upon no other occasion, for many years, has the Old Line State ticket received an absolute majority.

A SENATOR. How was it at the last presidential election?

Mr. CHASE. The Independent Democrats unanimously supported their own ticket, and the Baltimore nominees lacked fifteen thousand votes of an absolute majority. Well, sir, there has been in New York a union of the Barnburners and Hunkers; and no small pains is taken at the other end of the Avenue, and at this, to cement and consolidate this union. We have witnessed a pretty careful distribution and adjustment of the offices with this view. How the attempt to harmonize these discordant elements by the potent influence of patronage will succeed, I cannot say. But we know it is made, and we know too that it is the most common thing in the world, when two parties, or two sections of one party, having some common objects, unite to form a majority over a third party hostile to these objects, to divide the offices which that majority has to fill between the sections which compose it. Now, it so happened that in the Legislature of Ohio, in 1848–'49, no party had a majority; the Independent Democrats were, it is true, few in number; but the Old Line Democrats, though more numerous, were not numerous enough to effect anything by themselves. Under these circumstances that which was most natural took place—the Independents and Old Line Democrats united. But there was—and I am proud to say it—no sacrifice of principle on either side. The Old Line Democrats voted for me because they knew me to be sound in the Democratic faith, though independent in party action. The Independent Democrats voted for Old Line nominees for supreme judges, who, though they differed from them in party action, yet shared their general opposition to the extension and nationalization of slavery. Let the Senator make all he can of this. I see nothing in it to lament. I can appeal confidently to my whole course here to justify the confidence reposed in me. Nothing has transpired in the history of either of the eminent gentlemen elected to other offices at the same time, to make Independent Democrats regret the votes they cast for them. Many members of the Legislature who participated in these elections have since received distinguished proofs of the public confidence; and a succession of Democratic victories instead of the succession of defeats which had for years marked the previous history of the Democratic party, has attested the wisdom of the Old Line Democrats who recommended, or adopted, or approved the union.

Sir, I do not so highly value a seat here that I would sacrifice one jot or tittle of my personal independence to obtain or to retain it. Nor would I surrender any political principle to come or to remain here. The prophecy of the Senator from California may be fulfilled. It is very possible that I may not be reëlected. I shall have as little to regret in that event as any man. I am entirely willing, whenever the people of my State indicate that such is their pleasure, to retire from the scene. I have said on another occasion, and to my Democratic constituents, that a private is not less acceptable to me than a public station. I said it sincerely and honestly. I have ever preferred—and all the acts of all my life will prove it—action with a minority in defense of principles, to action with a majority, and to any position which a majority can confer, in disregard of principles.

I have said that I represent the true sentiments of the people of Ohio. I have never said that I represent a majority party organization. The Senator from California tells us that he has been provoked by my claim to represent that Democratic party in Ohio which voted for him as Governor. I have never made any such claim. If he has been provoked, he has been provoked without occasion. I have never assumed any other position than that which I take now. I represent Ohio—the people—not a mere party organization. I have no doubt at all that my political principles are the political principles of a large majority of that people, however their expression may be restrained or modified by party policy. There is not, for example, a sentence in the whole platform of the Old Line Democracy from which I dissent. I have maintained its principles, and have defended its policy every time I have addressed my constituents in whatever part of the State. I shall continue to do so. All I ask of the Old Line Democracy of Ohio is to carry out inflexibly and without reserve the principles of their platform. The chief, if not the only point of difference between me and them, is that I cannot consent, for the sake of party union and a party victory, to support national candidates who reject those principles—the nominees of a Convention who trample upon and spurn them.

I know just as well as the Senator from California that those who concur in the support of candidates nominated upon a platform, are generally supposed to unite in approbation of it. But I know also, and the Senator knows just as well as

I do, hat thousands and tens of thousands of voters in nearly every northern State, while they supported the candidates of the Baltimore Convention, repudiated the Baltimore platform. I could not adopt this course. I felt that it gave a sort of right to the supporters of the platform to say to its opponents, "By supporting the candidates you adopted the platform. You are now bound by it, and must acquiesce in it." I was unwilling to place myself in any such position.

The Senator says, also, nobody has been appointed or confirmed who has not acquiesced in the platform. But how acquiesced? Virtually, only by support of the candidates nominated upon it; not by any public declaration of changed opinions. When and where did John A. Dix recant any of his opinions avowed in 1848, when he and I went together in support of the same candidates? When and where did he give in his adhesion to the Baltimore platform of 1852? I refer to this distinguished gentleman—distinguished every way, by his talents, by his acquirements, by his personal worth, and by the high place he occupies in the regards of the country—as the representative of a class. They are all claimed as supporters of the platform because they voted for the nominees; and this, too, notwithstanding the open declarations of many of them that, while they supported the candidates, they utterly rejected the doctrines of the Convention.

I did not choose to afford any pretense for such a claim in respect to myself. I preferred to take position with that minority of which the Senator has spoken, and which he says will always remain a minority. Let him not, however, deceive himself on this point. No future event is more certain, in my judgment, than that the principles of this minority will become the principles of a majority of the American people.

Mr. RUSK. When will it be?

Mr. CHASE. I cannot tell; but if you will observe the great and constant increase of the numbers of their consistent supporters, and the still greater change which has been going on in public sentiment in favor of these principles, you will be satisfied that it is nearer at hand than some gentlemen would willingly believe.

But I will pursue this subject no further. I have already detained the Senate too long. I regret the necessity of saying anything upon these subjects; but it was a necessity. It was impossible for me to leave unanswered the observations of the Senator from California, though nothing was further from my expectation when I entered into this discussion than a debate of this nature. I rose at first, as I said at the beginning, from a sense of public duty, to oppose the resolution of the Senator from New York, [Mr. SEWARD.] I oppose it as bad in principle and bad as a precedent. It proposes a large and useless expenditure of public money. It proposes to extend and perpetuate a bad system. And an effort is made to force this resolution through at the very close of a special session, when it is almost impossible to obtain a quorum to do any business. I resist it. I think it wrong; and I hope to find a majority of the Senate, should the resolution ever be brought to a vote, of the same opinion.

Mr. BRODHEAD. This is a very thin Senate. There must be a very large majority in favor of the resolution; but still, if the Senator from Ohio insists on a division, we had better understand it now, and adjourn if we cannot muster a quorum. I think myself that we had better pass the resolution to give four dollars to the Intelligencer for what they have published, and will publish, of the debates of the last session. The most of the speeches have been published, and there are but few to be published; and I therefore hope that, by general consent, we will pass the resolution now.

Mr. CHASE. I will say in reply to the Senator from Pennsylvania, that my deliberate judgment is, that it is not right for the Senate to pass resolutions involving a large expenditure of public money without a quorum. I cannot, for one, consistently with my views of public duty, permit it.

Mr. BRODHEAD. I think it is generally known that I am on the side of economy; but this will not take a large expenditure of public money. There are certainly Senators enough here to adopt the resolution, and there is a large majority of those who are present in favor of it.

Mr. JONES, of Iowa, moved that the Senate adjourn.

The motion was not agreed to.

The question being taken on Mr. CHASE's amendment to insert "the National Era," resulted—ayes 2, noes 19; no quorum voting.

Mr. WELLER. It is evident that there is no quorum present, and we are completely within the power of the two Senators. If they choose to insist upon a division the division will result in a disclosure of the fact that we have no quorum. It is a deliberate attempt on the part of those two Senators to defeat this resolution, or force the National Era into the patronage of the Senate. There is no difficulty in comprehending that this is the determination of the Senator from Ohio; and under the rules of the Senate, if he persists he can succeed in his object. I have no difficulty in understanding it, because he has said that his course is so plain that he who runs may read, but I think that in his case, he who reads will run. [Laughter.]

Mr. SEWARD. I introduced this resolution and I am happy to see that it commands the support of so large a majority of the body. It is embarrassed by a proposition, whether intended or not, to give to the National Era the printing of the debates of the Senate. I would at all times give such a proposition, if it were presented independently before us, my support, but inasmuch as the pressing of it now is embarrassing the resolution, and as there is no quorum present, I move that the Senate adjourn.

Mr. CHASE. I will merely say one word. It is supposed by some Senators that if the motion to insert the National Era should prevail, I will vote for the resolution. I have already declared the principle on which I proceed. I should not vote for the resolution if this amendment was inserted, but upon the same principles which commend the Intelligencer to the vote of the Senate I say the National Era ought to be included; but still if the resolution were so amended I should vote against it.

The motion was agreed to, and the Senate adjourned.

MONDAY, *April* 11, 1853.

Prayer by the Rev. J. G. BUTLER.

On motion by Mr. HUNTER, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

RESIGNATION OF A SENATOR.

The PRESIDENT laid before the Senate the following communication; which was read:

WASHINGTON, *April* 11, 1853.

To the President of the Senate:

SIR: Having signified to the President my acceptance of the high functions he was pleased to confer on me, I now advise you that I cease from this day to be a member of the august body over which you preside. May I request that you will accept for yourself and tender to the other members of the Senate the expressions of my regret at parting from such associates, and my wishes for the prosperity and happiness of you all.

Your very humble servant, PIERRE SOULÉ.

ADJOURNMENT.

At the hour of one o'clock, p. m.,

The PRESIDENT said: GENTLEMEN: Before the Senate adjourns, I desire to return my thanks for the very kind and complimentary resolution unanimously passed on Saturday last, and to assure the Senate that so long as I shall have the honor of continuing Presiding Officer, my highest ambition will be to retain the personal regard and confidence of my colleagues. In pursuance of the resolution adopted on Saturday last, I now declare the Senate adjourned *sine die*.

LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-SECOND CONGRESS

OF THE

UNITED STATES,

Passed at the Second Session, which was begun and held in the City of Washington, in the District of Columbia, on Monday the 6th day of December, 1852, and ended on Friday, the 4th day of March, 1853.

MILLARD FILLMORE, President; WILLIAM RUFUS KING, President of the Senate *pro tempore* till the 20th December, 1852, when he resigned, and DAVID R. ATCHISON, was chosen in his place; LINN BOYD, Speaker of the House of Representatives.

PUBLIC; I.—*An Act making an appropriation for bringing to the seat of Government the Votes for President and Vice President of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the sums due by law to the several messengers of the respective States, as compensation for conveying to the seat of Government the vote of the Electors of the said States for President and Vice President of the United States.

APPROVED, December 16, 1852.

PUBLIC, II.—*An Act to amend the act approved the thirty-first August, eighteen hundred and fifty-two, in reference to the appropriation for continuing the survey of the Mexican Boundary.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of continuing the survey of the Mexican boundary, it shall be lawful to use so much of the appropriation provided by the act approved thirty-first August, eighteen hundred and fifty-two, entitled "An act making 'appropriations for the civil and diplomatic ex-'penses of the Government for the year ending the 'thirtieth June, eighteen hundred and fifty-three, 'and for other purposes," as may be required in running and marking said boundary under the treaty of Guadalupe Hidalgo, on the Rio Grande, below the town called "Paso," and in defraying any necessary expenses heretofore incurred, or that may hereafter be incurred, connected with said survey.

APPROVED, December 23, 1852.

PUBLIC, III.—*An Act authorizing the Secretary of the Treasury to issue Registers to Vessels in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to issue a register or enrollment for any vessel built in a foreign country whenever such vessel may have been, or shall hereafter be, wrecked in the United States, and have been, or shall hereafter be, purchased and repaired by a citizen or citizens thereof: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the repairs put upon such vessel shall be equal to three fourths of the cost of said vessel when so repaired.

APPROVED, December 23, 1852.

PUBLIC, IV.—*An Act to amend an act entitled "An act to establish the Territorial Government of Oregon," approved August fourteenth, eighteen hundred and forty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assembly of the Territory of Oregon be, and hereby are, authorized in all cases where the sixteen or thirty-six sections, or any part thereof, shall be taken and occupied under the law making donations of land to actual settlers, or otherwise to cause the county commissioners of the several counties in said Territory, or such other officer or officers as they shall direct, to select, in lieu thereof, an equal quantity of any unoccupied land in sections, or fractional sections, as the case may be.

SEC. 2. *And be it further enacted*, That when selections are made in pursuance of the provisions of the first section of this act, said lands so selected, and their proceeds, shall be forever inviolably set apart for the benefit of common schools.

APPROVED, January 7, 1853.

PUBLIC, V.—*An Act granting to the Sackett's Harbor and Ellisburg Railroad Company the right of way through the military reservation at Sackett's Harbor, New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands of the United States lying in the village of Sackett's Harbor, in the county of Jefferson and State of New York, be, and is hereby, granted to the Sackett's Harbor and Ellisburg Railroad Company: *Provided*, That, in the opinion of the President of the United States, such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion the said railroad be discontinued or abandoned, the grant shall cease and determine.

APPROVED, January 7, 1853.

PUBLIC, VI.—*An Act making further appropriations for the construction of Roads in the Territory of Minnesota.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and they are hereby, appropriated for the construction of roads in the Territory of Minnesota, in addition to the sums heretofore appropriated for the same objects, by the act approved July eighteenth, eighteen hundred and fifty, to wit: For the construction of a road from Point Douglass, on the Mississippi river, to the falls or rapids of the Saint Louis river of Lake Superior, by the most direct and convenient route between those points, twenty thousand dollars; for the construction of a road from Point Douglass to Fort Gaines, now Fort Ripley, ten thousand dollars; for the construction of a road from the mouth of Swan river, or the most expedient point near it, north or south of said river, to the Winnebago agency at Long Prairie, five thousand dollars; and for the construction of a road from Wabashaw to Mendota, five thousand dollars; and for the survey and laying out of a military road from Mendota to the mouth of Big Sioux river, on the Missouri, five thousand dollars. The said roads to be constructed under the direction of the Secretary of War, pursuant to contracts to be made by him.

APPROVED, January 7, 1853.

PUBLIC, VII.—*An Act authorizing certain Soldiers of the late war with Great Britain to surrender the Bounty Lands drawn by them, and to locate others in lieu thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for any soldier in the late war with Great Britain, to whom bounty land has been allotted and patented in any State of this Union, by virtue of the laws of the United States passed prior to the year 1850, which was and is unfit for cultivation, to surrender said patent, and to receive in lieu thereof the same quantity of any of the public land subject to private entry at the minimum price as he may select: *Provided*, That before receiving such new land it shall be proved to the satisfaction of the Commissioner of the General Land Office that the land so allotted and patented to said soldier is unfit for cultivation, and that said soldier has never disposed of his interest in said land by any sale of

his own, and that the same has not been taken or disposed of for his debts due to any individual, and that he shall release all his interest in the same to the United States in such way as said Commissioner shall prescribe; and such surrender and location shall be made within five years from the passage of this act.

APPROVED, January 7, 1853.

PUBLIC, VIII.—*An Act for the construction of Military Roads in Oregon Territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated for the construction of military roads in the Territory of Oregon, to wit: For the construction of a road from Stilacoomb, on Puget's sound, to Fort Walla-Walla, twenty thousand dollars; and for the construction of a road from the mouth of Myrtle creek, on the Umpqua river, to Camp Stuart, in Rogue River valley, twenty thousand dollars; the said roads to be constructed under the direction of the Secretary of War, pursuant to contracts to be made by him.

APPROVED, January 7, 1853.

PUBLIC, IX.—*An Act making appropriations for the payment of Invalid and other Pensions of the United States for the year ending the thirtieth of June, one thousand eight hundred and fifty four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-four:

For invalid pensions under various acts, four hundred and eighty thousand dollars.

For pensions to widows and orphans under the acts of July the fourth, one thousand eight hundred and thirty-six, and July the twenty-first, one thousand eight hundred and forty-eight, twenty-eight thousand dollars.

For pensions to widows under the act of seventh July, one thousand eight hundred and thirty-eight, ninety thousand dollars.

For pensions to widows under the act of third March, one thousand eight hundred and forty-three, thirty thousand dollars.

For pensions to widows under the acts of the seventeenth of June, one thousand eight hundred and forty-four, second of February, one thousand eight hundred and forty-eight, and twenty-ninth of July, one thousand eight hundred and forty-eight, two hundred and seventy-two thousand dollars.

For half-pay pensions to widows and orphans provided for by the eleventh section of an act approved January the twenty-ninth, one thousand eight hundred and thirteen, and the first and second sections of an act approved the sixteenth of April, one thousand eight hundred and sixteen, in addition to an unexpended balance, ten thousand dollars.

APPROVED, January 29, 1853.

PUBLIC, X.—*An Act to surrender to the State of Ohio the unfinished portion of the Cumberland Road in said State.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Cumberland road, in the State of Ohio, as lies between the city of Springfield, in Clark county, Ohio, and the west line of said State, and all the interest of the United States in the same, together with all the timber, stone, and other materials belonging to the United States, and procured for the purpose of being used in the construction of said road, and all the rights and privileges of every kind belonging to the United States, as connected with said road, be, and the same are hereby, transferred and surrendered to the said State of Ohio.

APPROVED, January 20, 1853.

PUBLIC, XI.—*An Act making appropriation for the payment of Navy Pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the pay of navy pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For invalid pensions, twenty-five thousand dollars.

APPROVED, January 20, 1853.

PUBLIC, XII.—*An Act to amend an act entitled "An act for the discontinuance of the Office of Surveyor General in the several Districts so soon as the surveys therein can be completed, for abolishing Land Offices under certain circumstances, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where, as provided in the first section of the act entitled "An act for the discontinuance of the office of surveyor general in the several districts so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," approved the twelfth of June, eighteen hundred and forty, the field notes, maps, records, and other papers appertaining to land titles in any State, shall have been, or shall be, turned over to the authorities of such State, and the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be and they are hereby vested in and devolved upon the Commissioner of the General Land Office.

SEC. 2. *And be it further enacted*, That under the authority and direction of the Commissioner of the General Land Office, any deputy surveyor or other agent of the United States shall have free access to any such field notes, maps, records, and other papers for the purpose of taking extracts therefrom or making copies thereof without charge of any kind.

SEC. 3. *And be it further enacted*, That the field notes, maps, records, and other papers mentioned in the first section of the act to which this is an amendment, shall in no case hereafter be turned over to the authorities of any State, until such State shall have provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States, as herein provided.

APPROVED, January 22, 1853.

PUBLIC, XIII.—*An Act to erect at the Capital of the Nation an Equestrian Statue of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars is hereby appropriated to enable the President of the United States to employ Clark Mills to erect, at the city of Washington, a colossal equestrian statue of George Washington, at such place on the public grounds in said city as shall be designated by the President of the United States.

APPROVED, January 25, 1853.

PUBLIC, XIV.—*An Act to prohibit Public Executions in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons now under sentence of death, or who shall hereafter be adjudged to suffer death, within the District of Columbia, shall be executed within the walls of some prison in the said District, or within a yard or enclosure adjoining such prison, and not elsewhere; and it shall be the duty of the Marshal of the District, or one of his deputies, with such officers of the prison, constables, and other peace officers as such marshal or deputy may deem necessary and proper, to attend at such executions.

SEC. 2. *And be it further enacted*, That the said marshal, or his deputy, shall invite the District Attorney and the counsel of the prisoner, two or more physicians, and twelve respectable citizens, to be present at every such execution; and, at the request of the person to be executed, shall also allow any ministers of the gospel, not more than three in number, and any of his or her near relatives, to be present thereat; but no person or persons other than those in this act mentioned, and no person whatever, under the age of twenty-one years, shall be allowed to witness any such execution.

APPROVED, January 25, 1853.

PUBLIC, XV.—*An Act to extend the provisions of an act approved the third of March, eighteen hundred and forty-seven, and the act approved the twenty-sixth of February, eighteen hundred and forty nine, for carrying into effect the existing Compacts with the States of Alabama and Mississippi, in relation to the five per cent. fund and school reservations.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of "An act to amend an act entitled 'An act to amend an act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund and school reservations,'" approved March the third, one thousand eight hundred and forty-seven, and the act to extend the provisions of said act, approved February twenty-sixth, eighteen hundred and forty-nine, be, and the same are hereby, extended, so as to allow the State of Alabama three years from the passage of this act to complete the selections of land authorized by the said acts to which this is an amendment.

APPROVED, January 25, 1853.

PUBLIC, XVI.—*An Act concerning Bail in Civil Causes in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, no person shall be held to bail in the District of Columbia in any action of debt, assumpsit, or other action founded on or arising out of any contract or agreement, or in any suit or proceeding in equity brought or prosecuted for enforcing the payment of any debt, or of any sum or sums of money due or claimed to be due by reason of any contract or agreement; and any person now held to bail or imprisoned for want of bail in any such action, suit, or proceeding, shall, on application to the Circuit Court of said District in term time, or to any judge thereof in vacation, be discharged on filing a common appearance.

APPROVED, February 3, 1853.

PUBLIC, XVII.—*An Act to continue Half Pay to certain Widows and Orphans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all widows and orphans who were granted and allowed five years' half pay by the provisions of the act approved the twenty-first day of July, one thousand eight hundred and forty-eight, entitled "An act amending the act granting half pay to widows or orphans where their husbands or fathers have died of wounds received in the military service of the United States, in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, one thousand eight hundred and thirty-six," or an act approved the twenty-second day of February, one thousand eight hundred and forty-nine, entitled "An act granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," be and they are hereby granted a continuance of said half pay, under like limitations and restrictions, for a further period of five years, to commence at the expiration of the half pay provided for by the aforesaid acts: *Provided, however*, That in case of the death or marriage of such widow before the expiration of said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased officer or soldier, whilst under the age of sixteen years; and in like manner, the child or children of such deceased, when there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *And provided further*, That no greater sum shall be allowed in any case to the widow or the child or children of any officer than the half pay of a lieutenant colonel: *And*

provided further, That the act approved the twenty-second of February, eighteen hundred and forty-nine, "granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regular and volunteer," be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of eighteen hundred and twelve, and of the various Indian wars since seventeen hundred and ninety.

SEC. 2. *And be it further enacted*, That the widows of all officers, non-commissioned officers, musicians, and privates of the revolutionary army, who were married subsequent to January, Anno Domini eighteen hundred, shall be entitled to a pension in the same manner as those who were married before that date.

APPROVED, *February* 3, 1853.

PUBLIC, XVIII.—*An Act for the Relief of Brevet Brigadier-General Bennett Riley, and to enable him to settle his Accounts with the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act approved the third of March, eighteen hundred and forty-nine, entitled "An act to provide for the settlement of the accounts of public officers, and others who may have received moneys arising from military contributions or otherwise in Mexico," be, and they are hereby, applied to Brevet Brigadier-General Bennett Riley, in reference to all moneys raised and collected by him, for contributions, penalties, internal assessments, duties, or other objects in California, from the commencement of the late war with Mexico, to the twelfth day of November, eighteen hundred and forty-nine; and the said Riley shall account for, settle, and pay into the Treasury of the United States, for general purposes, any balance of moneys shown to be in his hands, upon such settlement; and all papers, vouchers, and other documents connected with the levying and collecting of any money as aforesaid, shall be filed with the accounts rendered for settlement by the said Riley.

SEC. 2. *And be it further enacted*, That in settling the accounts of said Riley as aforesaid, the accounting officers of the Treasury be, and they are hereby, authorized and required to credit him with any sum or sums of money paid or advanced by him for defraying the expenses of the Convention of California, called to frame a State constitution, and also the sum or sums of money advanced by him for the relief of destitute overland emigrants to California, and such credits shall be allowed only on the production of proper vouchers, in such form as may be approved by the Secretary of the Treasury of the United States; and the said officers of the Treasury shall in said settlement further credit the said Riley, with all sums of money expended by him for the support of the actual government of California after the ratification of the treaty of peace with Mexico, and before the formation of the State government, and which expenses may appear to have been proper and necessary, but not authorized by any law of the United States: *Provided*, That before crediting him the said last-mentioned expenditures, they shall be approved by the President of the United States.

SEC. 3. *And be it further enacted*, That as a compensation for collecting, safe-keeping, and disbursing the said moneys, the said Riley shall be allowed and credited on such settlement, one and a half per cent. upon the moneys so raised and collected by him, and he shall be allowed no other or further compensation therefor.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, directed to cause proper defense to be made, at the expense of the United States, to any suit or suits now pending, or that hereafter may be instituted against the said Riley, for any moneys raised and collected by him in California, and to which this act is applicable.

APPROVED, February 5, 1853.

PUBLIC, XIX.—*An Act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a Railroad from a point on the Mississippi, opposite the mouth of the Ohio River, via Little Rock, to the Texas Boundary near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi River.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands be, and the same is hereby, granted to the States of Arkansas and Missouri, for the construction of a railroad from a point on the Mississippi river, opposite the mouth of the Ohio, in the State of Missouri, via Little Rock, to the Texas boundary line near Fulton, in Arkansas, with branches from Little Rock, in Arkansas, to the Mississippi river and to Fort Smith, in said State, with the right to take necessary materials of earth, stone, timber, &c., for the construction thereof: *Provided*, That the right of way shall not exceed one hundred feet on each side of the length thereof, and a copy of the survey of said road, made under the direction of the Legislatures of the said States, shall be forwarded to the proper local land offices, respectively, and to the General Land Office at Washington city, within ninety days after the completion of the same.

SEC. 2. *And be it further enacted*, That there be, and is hereby, granted to the States of Arkansas and Missouri, respectively, for the purpose of aiding in making the railroad and branches as aforesaid, within their respective limits, every alternate section of land designated by even numbers, for six sections in width on each side of said road and branches; but in case it shall appear that the United States have, when the line or route of said road is definitely fixed by the authority aforesaid, sold any part of any section hereby granted, or that the right of preëmption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval aforesaid, from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or to which the right of preëmption has attached as aforesaid, which lands, being equal in quantity to one half of six sections in width on each side of said road, the States of Arkansas and Missouri shall have and hold to and for the use and purpose aforesaid: *Provided*, That the lands to be located shall in no case be further than fifteen miles from the line of the road: *And provided further*, That the lands hereby granted shall be applied in the construction of said road, and shall be disposed of only as the work progresses, and shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands reserved to the United States by any act of Congress, for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, be and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of the said railroad and branches through such reserved lands.

SEC. 3. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States within six miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold.

SEC. 4. *And be it further enacted*, That the said lands hereby granted to the said States shall be subject to the disposal of the Legislatures thereof, for the purposes aforesaid and no other; and the said railway and branches shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 5. *And be it further enacted*, That the lands hereby granted to said States shall be disposed of by said States only in the manner following; that is to say that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road may be sold; and when the Governors of said State or States shall certify to the Secretary of the Interior that twenty continuous miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time until said road is completed; and if said road is not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States.

SEC. 6. *And be it further enacted*, That the United States mails shall at all times be transported on the said road and branches, under the direction of the Post Office Department, at such price as Congress may by law direct.

APPROVED, February 9, 1853.

PUBLIC, XX.—*An Act to make the Salary of the Judge of the Criminal Court of the District of Columbia equal to that of an Assistant Judge of the Circuit Court of said District.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the salary of the Judge of the Criminal Court of the District of Columbia be, and the same is hereby, made equal to that of an Assistant Judge of the Circuit Court of said District, as now established by law.

APPROVED, February 11, 1853.

PUBLIC, XXI.—*An Act for the relief of the town of Belleview and the cities of Burlington and Dubuque, in the State of Iowa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, granted to the town of Belleview, in Iowa, the land bordering on the Mississippi river, in front of said town, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses; together with the accretions which may have formed thereto, or in front thereof; to be disposed of in such manner as the corporate authorities of said town may direct. The grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said town to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

SEC. 2. *And be it further enacted*, That there shall be, and hereby is, granted to the cities of Burlington and Dubuque, in Iowa, the land bordering on the Mississippi river, in front of said cities, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses; together with the accretions which may have formed thereto, or in front thereof; to be disposed of in such manner as the corporate authorities of said cities may direct.

SEC. 3. *And be it further enacted*, That the grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said cities to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

SEC. 4. *And be it further enacted*, That the lot or parcel of land in the city of Dubuque heretofore set apart and used by the authorities of said city as a cemetery or burying ground, under the act of Congress of the second July, eighteen hundred and thirty-six, entitled "An act for the laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes," and the act of the third of March, eighteen hundred and thirty-seven, amendatory thereof, be and the same hereby is granted to the Common Council of the said city of Dubuque to make such disposition of the said land included in said cemetery or burying-ground as that Common Council may deem proper.

APPROVED, February 14, 1853.

PUBLIC, XXII.—*An Act granting the Right of Way to the St. Louis and Iron Mountain Railroad Company, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the right of way, sixty feet in width, through the lands in which the St. Louis Arsenal, the St. Louis Marine Hospital, and Jefferson Barracks, are situated, in the State of Missouri, be, and the same is hereby, granted to the St. Louis and Iron Mountain Railroad Company, for the construction of a railroad from the city of St. Louis through said lands: *Provided*, That the location of said road through the lands aforesaid shall be made subject to the approval of the Secretary of War: *Provided further*, That said location can be made without injury to the public interest, in the opinion of the said Secretary of War.

SEC. 2. *And be it further enacted*, That the right of way be, and the same is hereby, granted to the Cleveland and Pittsburgh Railroad Company, and also the right of way to the Cleveland, Painesville, and Ashtabula Railroad Company, across the hospital grounds, so called, belonging to the United States, in the city of Cleveland, in the State of Ohio; the width of each of said roads across said hospital grounds not to exceed sixty feet, where said roads are now respectively located: *Provided*, That said conveyances can, in the opinion of the Secretary of the Treasury, be made without detriment to the interests of the United States: *And provided further*, That the said grant shall be, and is hereby, made subject to such conditions as the said Secretary of the Treasury shall impose on the said companies, respectively, for the protection and security of the grounds from abrasions by the waters of Lake Erie: *And provided further*, That whenever the said roads shall be discontinued or abandoned, or the conditions of this grant shall be violated, all rights under this act shall cease and determine.

SEC. 3. *And be it further enacted*, That the right of way shall be, and hereby is, granted to the Alleghany Valley Railroad Company for the road of the said company, over and across the grounds of the United States, at and near the Alleghany Arsenal, in the county of Alleghany and State of Pennsylvania: *Provided*, That the route of the said railroad across the said grounds shall be approved by the Secretary of War before the same is entered upon for the purpose of constructing said railroad: *And provided further*, That the same can be granted without detriment to the public interest, in the opinion of the Secretary of War.

APPROVED, February 14, 1853.

PUBLIC, XXIII.—*An Act to amend an act entitled "An act to create the Office of Surveyor General of the Public Lands in Oregon, and to provide for the survey, and to make donations to the Settlers of the said Public Lands," approved September twenty-seventh, eighteen hundred and fifty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have located, or may hereafter locate, lands in the Territory of Oregon in accordance with the provisions of an act entitled "An act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public lands," approved September twenty-seventh, eighteen hundred and fifty, and of which survey shall have been made, or may hereafter be had, in lieu of the term of continued occupation after settlement, as provided by said act, shall be permitted, after occupation for two years of the land so claimed, to pay into the hands of the surveyor general of said Territory at the rate of one dollar and twenty-five cents per acre for the lands so claimed, located, and surveyed as aforesaid; and upon the death of any settler before the expiration of the two years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs-at-law of such settler, including the widow, where one is left, in equal parts; and proof of compliance with the conditions of this act, up to the time of the death of such settler, shall be sufficient to entitle them to the patent.

SEC. 2. *And be it further enacted*, That upon the payment of money for lands as aforesaid to the said surveyor general, he shall issue his certificate of such payment, together with an accurate copy of the survey of the land so located and purchased, to the purchaser thereof, and upon the filing of which said certificate and copy of survey in the office of the Commisioner of the General Land Office, a patent shall issue therefor as in other cases.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said surveyor general to keep and preserve a record of all money so received, and to make out and transmit quarterly, to the Commissioner of the General Land Office, an accurate report of the moneys so received by him as aforesaid.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said surveyor general, immediately upon the taking effect of this act, to enter into security in the sum of fifty thousand dollars, conditioned for the safe-keeping of all moneys received by him as surveyor general, according to law: *Provided, however*, That in order to compensate the surveyor general of said Territory for the additional labors and responsibility imposed upon him by this act, in receiving, safe-keeping, paying over, and accounting for the moneys aforesaid, he shall receive two per centum on all such sums, which shall include the payment for clerk hire, together with all costs and expenses incidental to such special services in any one year: *Provided*, The salary and percentage of said surveyor general and for clerk hire shall not exceed four thousand dollars for any one year.

SEC. 5. *And be it further enacted*, That the provisions of the act to which this is an amendment be, and the same are hereby, extended and continued in force until the first day of December, eighteen hundred and fifty-five.

SEC. 6. *And be it further enacted*, That every person entitled to the benefit of the fourth section of the act of which this is amendatory, who was resident in said Territory on or prior to the first of December, eighteen hundred and fifty, shall be, and hereby is, required to file with the surveyor general of said Territory, in advance of the time when the public surveys shall be extended over the particular land claimed by him, where those surveys shall not have been made previous to the date of this act, a notice in writing, setting forth his claim to the benefits of said section, and citing all required particulars in reference to such settlement claim; and all persons failing to give such notice on or prior to the first of December, eighteen hundred and fifty-three, shall be thereafter debarred from ever receiving any benefit under said fourth section. And all persons who, on the first of December, eighteen hundred and fifty-three, shall have settled on surveyed lands in said Territory, in virtue of the provisions of the fifth section of the act of which this is amendatory, who shall fail to give notice in writing of such settlement, specifying the particulars thereof to the surveyor general of said Territory, on or prior to the first of April, eighteen hundred and fifty-five, shall thereafter be debarred from ever receiving the benefits of said fifth section.

SEC. 7. *And be it further enacted*, That from and after the first of April, eighteen hundred and fifty-five, all public lands within the limits of the townships surveyed or to be surveyed in said Territory, west of the Cascade mountains, which shall not have been claimed under the provisions of the fourth and fifth sections of the act of which this is amendatory, or reserved for public uses by law, or order of the President, and excepting also mineral lands, shall be subject to public sale and private entry as other public lands of the United States; and so soon as he shall deem expedient, the President of the United States shall, by and with the advice and consent of the Senate, appoint a receiver of public moneys for the Territory of Oregon, west of the Cascade mountains, who shall give bond and security, in the penalty of fifty thousand dollars, for the faithful discharge of his official trust, and whose duties, under the laws in relation to the public lands of the United States in said Territory, shall be the same as those of other like officers of the United States, and who shall be allowed not exceeding five hundred dollars per annum for the safe-keeping and accounting for the public moneys by him received, including all charges for office rent and clerk hire; and at such time as the President of the United States shall deem it expedient, he shall appoint, by and with the advice and consent of the Senate, a register of the land office for the Territory of Oregon, west of the Cascade mountains, who shall enter into bond, with sufficient security, for the faithful discharge of his official duties, as other like officers, and whose duties and authority, under the direction of the Secretary of the Interior, shall be the same as those imposed by law on other like officers, consistently with the provisions of this act and of the act of which this is amendatory, and whose compensation shall be equal to that allowed to the receiver of public moneys to be appointed under this act; and until such register shall have been appointed, and entered upon the discharge of his official duties, the surveyor general of Oregon shall perform all the duties which shall appertain to such office.

SEC. 8. *And be it further enacted*, That each widow now residing in Oregon Territory, and such others as shall locate in said Territory, whose husband, had he lived, would have been entitled to a claim under the provisions of the act to which this is an amendment, shall be entitled, under the provisions and requirements of said act, to the same quantity of land that she would have been but for the death of her husband; and that in case of the death of the widow prior to the expiration of the four years' continued possession required by said act, to which this is an amendment, all the rights of the deceased shall inure unto and be vested in the heirs-at-law of such widow.

SEC. 9. *And be it further enacted*, That all reservations heretofore, as well as hereafter, made in pursuance of the fourteenth section of the act to which this is an amendment, shall, for magazines, arsenals, dock-yards, and other needful public uses, except for forts, be limited to an amount not exceeding twenty acres for each and every of said objects at any one point or place, and for forts to an amount not exceeding six hundred and forty acres at any one point or place: *Provided*, That if it shall be deemed necessary, in the judgment of the President, to include in any such reservation the improvement of any settler made previous to such reservation, it shall, in such case, be the duty of the Secretary of War to cause the value of such improvements to be ascertained; and the amount so ascertained shall be paid to the party entitled thereto, out of any money in the Treasury not otherwise appropriated.

SEC. 10. *And be it further enacted*, That the said surveyor general, in the discharge of his duties under this act, shall be subject to all the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August sixth, eighteen hundred and forty-six; and all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

APPROVED, February 14, 1853.

PUBLIC, XXIV.—*An Act to prevent in certain cases a Failure or Delay of Justice in the Courts of the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, at any term of the Circuit or Criminal Court of the District of Columbia, a jury shall be empanneled to try any cause or any issue or issues joined in any cause, and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, the Court shall and may, nevertheless, proceed with the trial by the same jury in every respect as if such term had not commenced; and all subsequent proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been empanneled, any law or usage to the contrary notwithstanding.

APPROVED, February 16, 1853.

PUBLIC, XXV.—*An Act amendatory of existing laws relative to the Half Dollar, Quarter Dollar, Dime, and Half Dime.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of June, eighteen hundred and fifty-two, the weight of the half dollar or piece of fifty cents shall be one hundred and ninety-two grains, and the quarter dollar, dime, and half dime, shall be, respectively,

one half, one fifth, and one tenth, of the weight of said half dollar.

SEC. 2. *And be it further enacted*, That the silver coins issued in conformity with the above section, shall be legal tenders in payment of debts for all sums not exceeding five dollars.

SEC. 3. *And be it further enacted*, That in order to procure bullion for the requisite coinage of the subdivisions of the dollar authorized by this act, the treasurer of the mint shall, with the approval of the director, purchase such bullion with the bullion fund of the mint. He shall charge himself with the gain arising from the coinage of such bullion into coins of a nominal value exceeding the intrinsic value thereof, and shall be credited with the difference between such intrinsic value and the price paid for said bullion, and with the expense of distributing said coins as hereinafter provided. The balances to his credit, or the profit of said coinage, shall be, from time to time, on a warrant of the director of the mint, transferred to the account of the treasurer of the United States.

SEC. 4. *And be it further enacted*, That such coins shall be paid out at the mint in exchange for gold coins at par, in sums not less than one hundred dollars; and it shall be lawful, also, to transmit parcels of the same from time to time to the assistant treasurers, depositaries, and other officers of the United States, under general regulations, proposed by the director of the mint, and approved by the Secretary of the Treasury: *Provided, however*, That the amount coined into quarter-dollars, dimes, and half-dimes, shall be regulated by the Secretary of the Treasury.

SEC. 5. *And be it further enacted*, That no deposits for coinage into the half-dollar, quarter-dollar, dime, and half-dime, shall hereafter be received, other than those made by the treasurer of the mint, as herein authorized, and upon account of the United States.

SEC. 6. *And be it further enacted*, That, at the option of the depositor, gold or silver may be cast into bars or ingots of either pure metal or of standard fineness, as the owner may prefer, with a stamp upon the same designating its weight and fineness; but no piece, of either gold or silver, shall be cast into bars or ingots of a less weight than ten ounces, except pieces of one ounce, of two ounces, of three ounces, and of five ounces, all of which pieces of less weight than ten ounces shall be of the standard fineness, with their weight and fineness stamped upon them; but in cases whether the gold and silver deposited be coined or cast into bars or ingots, there shall be a charge to the depositor, in addition to the charge now made for refining or parting the metals, of one-half of one per centum; the money arising from this charge of one-half per centum shall be charged to the treasurer of the mint, and from time to time, on warrant of the director of the mint, shall be transferred into the Treasury of the United States: *Provided, however*, That nothing contained in this section shall be considered as applying to the half-dollar, the quarter-dollar, the dime, and half-dime.

SEC. 7. *And be it further enacted*, That from time to time there shall be struck and coined at the mint of the United States and the branches thereof, conformably in all respects to law, and conformably in all respects to the standard of gold coins now established by law, a coin of gold of the value of three dollars or units, and all the provisions of an act entitled "An act to authorize the coinage of gold dollars and double eagles," approved March third, eighteen hundred and forty-nine, shall be applied to the coin herein authorized, so far as the same may be applicable; but the devices and shape of the three-dollar piece shall be fixed by the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That this act shall be in force from and after the first day of June next.

APPROVED, February 21, 1853.

PUBLIC, XXVI.—*An Act to regulate the Fees and Costs to be allowed Clerks, Marshals, and Attorneys of the Circuit and District Courts of the United States, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the compensation now allowed by law to attorneys, solicitors, and proctors in the United States courts, to United States district attorneys, clerks of the district and circuit courts, marshals, witnesses, jurors, commissioners, and printers, in the several States, the following and no other compensation shall be taxed and allowed. But this act shall not be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

Fees of Attorneys, Solicitors, and Proctors.

In a trial before a jury, in civil and criminal cases, or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases in admiralty and maritime jurisdiction, where the libelant shall recover less than fifty dollars, the docket fee of his proctor shall be but ten dollars.

In cases at law, where judgment is rendered without a jury, ten dollars; and five dollars where a cause is discontinued.

For scire facias and other proceedings on recognisances, five dollars.

For each deposition taken and admitted as evidence in the cause, two dollars and fifty cents.

A compensation of five dollars shall be allowed for the services rendered in cases removed from a district to a circuit court by writ of error or appeal.

For examination by a district attorney, before a judge or commissioner, of a person or persons charged with crime, five dollars per day for the time necessarily employed.

For each day of his necessary attendance in a court of the United States, on the business of the United States, when the same shall be held at the place of his abode, five dollars, and the like sum for his attendance for each day of the term when the said court shall be held elsewhere.

For traveling from the place of his abode to the place of holding any court of the United States in his district, and to the place of any examination before a judge or commissioner, of a person or erso ns charged with crime, ten cents per mile for oing and ten cents for returning.

When an indictment for crime shall be tried before a jury, and a conviction is had, in addition to the attorney's fees allowed by this act, the district attorney may be allowed a counsel fee in proportion to the importance and difficulty of the cause, not exceeding thirty dollars.

In every case where a district attorney has, during the last six years, prosecuted or defended a suit in which the United States was concerned, in a district where the law allows no taxable attorney's fees, and for which he has received no compensation, except his per diem and annual salary, he shall be paid for his services according to the provisions of this act.

For the services of counsel, rendered at the request of the head of a Department, such sum as may be stipulated or agreed on.

Whenever there are or shall be several charges against any person or persons for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments shall be found in such cases, the court may order them consolidated.

Whenever two or more things belonging to the same person or persons are or shall be seized for an alleged violation of the revenue laws, the whole shall be included in one suit; and if not so included, and separate actions are prosecuted, the court may consolidate them.

Whenever two or more indictments, suits, or proceedings, are or shall be prosecuted, which should be joined, the district attorney prosecuting them shall be paid but one bill of costs for all of them; and if any attorney, proctor, or other person admitted to manage or conduct causes in any court of the United States, or of the Territories thereof, shall appear to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, such person may be required, by order of the court, to satisfy any excess of costs so increased.

Whenever two or more charges are or shall be made, or two or more indictments shall be found against a person, only one writ or warrant shall be necessary to arrest and commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in very general terms. Only one writ or warrant shall be necessary to remove a prisoner from one district to another; a copy of which may be delivered to the sheriff or jailor from whose custody the prisoner may be taken, and another copy thereof to the sheriff or jailor to whose custody he may be committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he may be removed. Whenever a prisoner is committed to a sheriff or jailor by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to the sheriff or jailor as his authority to hold the prisoner, and the original writ, warrant, or mittimus, shall be returned to the proper court or officer with the officer's return thereon.

Clerks' Fees.

For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, summons, or subpœna for a witness, one dollar.

For filing and entering every declaration, plea, or other paper, ten cents.

For administering every oath or affirmation to a witness, or other person, except a juror, ten cents.

For entering any return, rule, order, continuance, judgment, decree or recognizance, drawing any bond, or making any record, certificate, return, or report, for each folio fifteen cents; and for a copy of any such entry or record, or of any paper on file, not exceeding one folio, ten cents; and for each additional folio, ten cents.

For making dockets and indexes, and for all other services on the trial or argument of a cause, where issue is joined and testimony given, including venire and taxing costs, three dollars.

For making dockets and indexes, and for all other services in a cause where issue is joined and no testimony given, including taxing costs, two dollars.

For making dockets and indexes, and for taxing costs and other services, in a cause which is dismissed, discontinued, or a judgment or decree is made or rendered therein without issue, one dollar.

In equity and admiralty causes only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record; and, in case of an appeal, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

For affixing a seal of the court to any instrument when required, twenty cents. For issuing a writ of subpœna, twenty-five cents. For every search for any particular mortgage, judgment, or other lien, fifteen cents. For traveling from the office of the clerk, where he is required by law to reside, to the place of holding any court required to be held by law, five cents per mile for going and five for returning, and five dollars per day for his attendance on any such court or courts while actually in session.

For searching the records of the court for judgments, decrees, and other instruments constituting a general lien upon real estate, and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of the requirements of any statute or order of court, one per cent. on the amount so received, kept, and paid.

In cases removed by writ of error or appeal, the clerk's fees for making dockets and taxing costs, shall be but one dollar, and the clerks of the district and circuit courts respectively, ex officio, shall be, and hereby are, authorized and empowered to administer oaths, take acknowledgments, take and certify affidavits and depositions in the same manner as commissioners, and shall be entitled to the same fees and compensation therefor.

Marshals' Fees.

For service of any warrant, attachment, sum-

mons, capias, or other writ, (except execution, venire, or a summons or subpœna for a witness,) two dollars for each person on whom such service may be made: *Provided*, That on petition setting forth the facts on oath, the court may allow such fair compensation for the keeping of personal property attached and held on mesne process, as shall, on examination, be found to be reasonable.

For serving a writ of subpœna on a witness, fifty cents; and no further compensation shall be allowed for any copy, summons, or notice for witness.

For travel in going only to serve any process, warrant, attachment, or other writ, including writs of subpœna in civil and criminal cases, six cents per mile, to be computed from the place of service to the court or place where the writ or process is returned; and if more than one person is served therewith, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto extra travel which shall be necessary to serve it on others: *Provided*, That when more than two writs of any kind in behalf of the same party or parties, to be served on the same person or persons, or part of the same persons, are or might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense it shall be the duty of the clerk to insert the names of as many witnesses in a cause in each subpœna as convenience in serving the same will permit. And in all cases where mileage is allowed to the marshal by this act, it shall be at his option to receive the same or his actual traveling expenses, to be proved on his oath to the satisfaction of the court.

For each bail bond, fifty cents.

For summoning appraisers, each fifty cents.

For every commitment or discharge of a prisoner, fifty cents.

For every proclamation in admiralty, thirty cents.

For sales of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying the money, for any sum under five hundred dollars, two and one half per centum; for any larger sum one and one quarter per centum upon the excess.

For serving an attachment *in rem* or a libel in admiralty, two dollars, and the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents per day; and in case the debt or claim shall be settled by the parties without a sale of the property, the marshal shall be entitled to a commission of one per centum on the first five hundred dollars of the claim or decree and one half of one per centum on the excess over five hundred dollars: *Provided*, That in case the value of the property shall be less than the claim, then and in such case such commission shall be allowed only on the appraised value thereof.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is herein allowed for the service of any other writ; and for making the service, seizing, or levying on property, advertising, and disposing of the same by sale, set-off, or otherwise, according to law, receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the several States respectively in which the service may be rendered.

For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one third cents each; and in those States where jurors, by the laws of the State, are drawn by constables, or other officers of corporate towns or places, by lot, the marshal shall receive for the use of the officers employed in drawing and summoning the jurors and returning each venire, two dollars; and for his own trouble in distributing the venires, two dollars for each jury: *Provided*, That in no case shall the fees for distributing and serving venires, and drawing and summoning jurors by township officers, including mileage chargeable by the marshal for such service, at any court, exceed fifty dollars.

For traveling from his residence to the place of holding court, to attend a term thereof, ten cents per mile for going only, and five dollars per day for attending the circuit and district courts when they are both in session, or for attending either of said courts when but one is in session, and for bringing in and committing prisoners and witnesses during the term.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For transporting criminals, ten cents per mile for himself, each necessary guard, and each prisoner.

For copies of writs or papers furnished at the request of any party, ten cents per folio.

For holding a court of inquiry or other proceeding before a jury, including the summoning of a jury, five dollars. The marshal of the District of South Carolina shall hereafter be entitled to receive a salary of two hundred dollars per annum.

The respective courts of the United States shall appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals are hereby authorized to appoint such a number of persons, not exceeding five, as the judges of their respective courts shall determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands, the compensation to be given only for actual attendance; and when both courts are in session at the same time, to be paid but for attendance on one court.

For expenses while employed in endeavoring to arrest under process any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars per day, in addition to his compensation for service and travel.

For disbursing money to jurors and witnesses, and for other expenses, two per centum.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars per day, and the same for each deputy necessarily attending, not exceeding two.

SEC. 2. *And be it further enacted*, That there shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offense; for the maintenance of prisoners of the United States confined in jail for any criminal offense; for the commitment or discharge of such prisoners; for the expenses necessarily incurred for fuel, lights, and other contingencies that may accrue in holding the courts within the district, and providing the books necessary to record the proceedings thereof: *Provided*, That the marshal shall not incur an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of building and making improvements thereon, without first submitting a statement and estimates to the Secretary of the Interior, and getting his instructions in the premises.

SEC. 3. *And be it further enacted*, That every district attorney, clerk of a district court, clerk of a circuit court, and marshal of the United States, shall, until otherwise directed by law, upon the first days of January and July in each year, commencing with the first day of July next, or within thirty days from and after the days specified, make to the Secretary of the Interior, in such form as he shall prescribe, a return in writing, embracing all the fees and emoluments of their respective offices, of every name and character, distinguishing the fees and emoluments received or payable under the bankrupt act, from those received or payable for any other service; and in case of a marshal, further distinguishing the fees and emoluments received or payable for services by himself personally rendered, from those received or payable for services rendered by a deputy; and also distinguishing the fees and emoluments so received or payable for services rendered by each deputy, by name, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive; and also embracing all the necessary office expenses of such officer, together with the vouchers for the payment of the same for the half year ending on the said first day of January or July, as the case may be, which return shall be, in all cases, verified by the oath of the officer making the same. And no district attorney shall be allowed by the said Secretary of the Interior to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk hire included, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding six thousand dollars per year, and at and after that rate for such time as he shall hold the office; and no clerk of a district court, or clerk of a circuit court, shall be allowed by the said Secretary to retain of the fees and emoluments of his said office, or, in case both of the said clerkships shall be held by the same person, of the said offices, for his own personal compensation, over and above the necessary expenses of his office, and necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding three thousand five hundred dollars per year for any such district clerk, or circuit clerk, or at and after that rate for such time as he shall hold the office: *Provided*, That when the compensation of any clerk shall be less than five hundred dollars per annum, the difference, ascertained and allowed by the proper accounting officer of the Treasury, shall be paid to him therefrom, and no marshal shall be allowed by the said Secretary, to retain of the fees and emoluments of his office, for his own personal compensation, over and above a proper allowance to his deputies, which shall in no case exceed three fourths of the fees and emoluments received as payable for the services rendered by the deputy to whom the allowance is made, and may be reduced below that rate by the said Secretary of the Interior whenever the return shall show that rate of allowance to be unreasonable, and over and above the necessary office expenses of the said marshals, the necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding six thousand dollars per year, or at and after that rate for such time as he shall hold the office; and every such officer shall, with each such return made by him, pay into the Treasury of the United States, or deposit to the credit of the Treasurer thereof, as he may be directed by the Secretary of the Interior, any surplus of the fees and emoluments of his office, which his half yearly return so made as aforesaid shall show to exist over and above the compensation and allowances hereinbefore authorized to be retained and paid by him. And in every case where the return of any such officer shall show that a surplus may exist, the said Secretary of the Interior shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officers of his department, and an account to be opened with such officer in proper books to be provided for that purpose, and the allowances for personal compensation for each calendar year shall be made from the fees and emoluments of that year, and not otherwise: *And provided further*, That nothing in any existing law of Congress authorizing the payment of a per diem compensation to a district attorney, clerk of a district court, or clerk of a circuit court, or marshal, or deputy marshal, for attendance upon the district or circuit courts during their sittings, shall be so construed as to authorize any such payment to any one of those officers for attendance upon either of those courts while sitting for the transaction of business under the bankrupt law merely, or for any portion of the time for which either of the said courts may be held open or in session by the authority conferred in that law; and no such charge in an account of any officer shall be certified as payable, or shall be allowed and paid out of the money hereinbefore appropriated for defraying the expenses of the courts of the United States; and no per diem or other allowance shall be made to any such officer for attendance at rule days of the circuit or district courts; and when the circuit and district courts sit at the same time, no greater per diem or other allowance shall be made to any such officer than for an attendance on one court.

The two last provisos of paragraph one hundred and sixty-seven of the civil and diplomatic appropriation act, approved May the eighteenth, one thousand eight hundred and forty-two, which require clerks to certify accounts, and confine the marshals, clerks, and district attorneys of the

northern and southern districts of New York to the fees allowed by the State law to the clerks, attorneys, counsellors, and sheriffs, for similar services in the State courts, are hereby repealed.

Commissioners' Fees.

For administering an oath, ten cents; taking an acknowledgment, twenty-five cents.

For hearing and deciding on criminal charges, five dollars per day for the time necessarily employed.

For attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of court, three dollars per day.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words, and ten cents per folio for each copy of the same furnished to a party on request.

For issuing any warrant or writ, or any other service, the same compensation as is allowed to clerks for like services.

For issuing any warrant under the tenth article of the treaty of the ninth of August, eighteen hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any of the crimes or offenses set forth in said article, two dollars; and the same sum for any warrant issued under the provisions of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington on the ninth of November, eighteen hundred and forty-three; and for hearing and deciding upon the case of any person charged with any offense or crime, and arrested under the provisions of said treaty or convention, five dollars per day for the time necessarily employed.

Witnesses' Fees.

For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents; and five cents per mile for traveling from his place of residence to said place of trial or hearing, and five cents per mile for returning. When a witness is subpœnaed in more than one cause between the same parties in different suits at the same court, but one travel fee and one per diem compensation shall be allowed for attendance, to be taxed in the first case disposed of, and "per diem" only in the other causes, to be taxed from that time in each case in the order in which they may be disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled to a compensation of one dollar per day over and above his subsistence.

When a clerk or other officer of the United States shall be sent away from his place of business as a witness for the Government, either with or without papers or books, his salary shall continue; his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid, but no mileage or other compensation shall in any case be allowed.

There shall be paid to such seaman or other person as has been or shall be sent to the United States from any foreign port, station, sea or ocean, by any United States minister, chargé d'affaires, consul, commander, or captain, to give testimony in any criminal case which has been or may be depending in any court of the United States, such compensation as the court which had or shall have cognizance of the crime shall adjudge to be right and proper, not to exceed one dollar for each day the said seaman or person has been or shall be necessarily on the voyage, and arriving at the place of examination or trial, exclusive of sustenance or transportation; the court to take into consideration, in fixing said compensation, the condition of said seaman or witness, whether his voyage has been broken up to his injury by his being sent to the United States or not.

If said seaman or person has been or shall be transported in an armed vessel of the United States, no charge for sustenance or transportation shall be made; if in any other vessel, the court may adjudge what compensation shall be paid to the captain of said vessel, and the same shall be paid accordingly: *Provided*, That in no case shall transportation and subsistence be allowed at a rate exceeding fifty cents per diem.

Jurors' Fees.

For actual attendance at any court or courts, two dollars per day during such attendance.

For traveling from their residence to said court or courts, five cents per mile for going, and the same for returning.

Printers' Fees.

For publishing any statute, notice, or order required by law, or the lawful order of any court, department, bureau, or other person, in any newspaper, forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. That the compensation herein provided shall include the furnishing lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication.

The term folio in this act shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio, but not when there are less, except when the whole statute, notice, or order contains less than fifty words.

The bill of fees of clerk, marshal, and attorneys, and the amount paid printers, and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trial in cases where, by law, costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party, such taxed bill shall be filed with the papers in the cause.

In cases where the United States are parties, the marshal shall, on the order of the court, to be entered in its minutes, pay to the jurors and witnesses all such fees as they may appear by such order to be entitled to, which sums shall be allowed him at the Treasury in his accounts.

The fees of the marshals, clerks, commissioners, and district attorneys, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury, such accounts to be made out and verified by the party under oath, and forwarded to the First Auditor of the Treasury.

In prize cases, where there is a condemnation and sale, the costs, so far as they are payable and can be paid out of the proceeds of sale, shall be paid on the order of the court upon the filing of the taxed bills, making them a portion of the record in the case.

No district attorney, marshal, or clerk, or their deputies, shall receive any other or greater compensation for any services rendered by him than is provided in this act; and all acts and parts of acts allowing to either of them any other or greater fees than is herein provided are hereby repealed, and to receive any other or greater compensation is hereby declared to be a misdemeanor; and if any officer hereinbefore mentioned, or his deputy, shall, by reason or color of his office, wilfully and corruptly demand and receive any other or greater fees than those allowed in this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be had.

But this shall not be construed to probibit the payment of any salary authorized by statute: *Provided*, That in the State of California and the Territory of Oregon, officers, jurors, and witnesses shall be allowed for the term of two years double the fees and compensation allowed by this act, and the same fees allowed by this act, with fifty per cent. added thereto, for two years thereafter.

That before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the Treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or some other person having a knowledge of the facts, to be attached to such bill and filed therewith, that the services charged therein have been actually and necessarily performed as therein stated.

That witnesses who are required to attend any term of the court on the part of the United States shall be subpœnaed to attend to testify generally on their behalf, and not to depart the court without leave of the court or district attorney, under which it shall be their duty to appear before the grand jury or petit jury, or both, as they shall be required by the court or district attorney; no writ shall be necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fee shall be charged by the clerk or the marshal.

SEC. 4. *And be it further enacted*, That if any person shall falsely take an oath or affirmation in relation to any matter authorized by this act, such person shall be deemed guilty of perjury, and upon conviction thereof shall suffer the pains and penalties in that case provided.

SEC. 5. *And be it further enacted*, That all laws and regulations heretofore made which are incompatible with the provisions of this act are hereby repealed and abrogated: *Provided, nevertheless*, That this act shall not be construed to repeal or modify any clause or provision of an act approved the eighteenth September, eighteen hundred and fifty, entitled "An act to amend, and supplementary to, the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,'" approved February twelfth, seventeen hundred and ninety-three.

SEC. 6. *And be it further enacted*, That the act approved September twenty-eighth, eighteen hundred and fifty, entitled "An act to provide for extending the laws and judicial system of the United States to the State of California," be so amended as to confer on the district court of the State of California jurisdiction in all criminal cases as fully and completely as is conferred by law upon the district or circuit court of the State of New York.

APPROVED, February 26, 1853.

PUBLIC, XXVII.—*An Act to prevent Frauds upon the Treasury of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor; and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

SEC. 2. *And be it further enacted*, That any officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who, after the passage of this act, shall act as an agent or attorney for prosecuting any claim against the United States, or shall in any manner, or by any means otherwise than in the discharge of his proper official duties, aid or assist in the prosecution or support of any such claim or claims, or shall receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claims, shall be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction thereof, and, on conviction, shall pay a fine not exceeding five thousand dollars, or suffer imprisonment in the penitentiary not exceeding one year, or both, as the court in its discretion shall adjudge.

SEC. 3. *And be it further enacted*, That any Senator or Representative in Congress who, after the passage of this act, shall, for compensation paid or to be paid, certain or contingent, act as agent or attorney for prosecuting any claim or claims against the United States, or shall in any manner or by any means for such compensation aid or assist in the prosecution or support of any such claim or claims, or shall receive any gratuity, or

any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted in the prosecution of such claim, shall be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction thereof, and, on conviction, shall pay a fine not exceeding five thousand dollars, or suffer imprisonment in the penitentiary not exceeding one year, or both, as the court in its discretion shall adjudge.

SEC. 4. *And be it further enacted*, That any person who, with intent to steal or destroy, shall wilfully and knowingly destroy, ar attempt to destroy, or shall take and carry away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper or document or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding, so taken, be deemed guilty of felony, and on conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding two thousand dollars, or suffer imprisonment in a penitentiary not exceeding three years, or both, as the court in its discretion shall adjudge.

SEC. 5. *And be it further enacted*, That any officer having the custody of any record, document, paper, or proceeding specified in the last preceding section of this act, who shall fraudulently take away, or withdraw, or destroy any such record, document, paper, or proceeding filed in his office or deposited with him, or in his custody, shall be deemed guilty of felony, and on conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding two thousand dollars, or suffer imprisonment in a penitentiary not exceeding three years, or both, as the court in its discretion shall adjudge, and shall forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States.

SEC. 6. *And be it further enacted*, That if any person or persons shall directly or indirectly, promise, offer, or give, or cause or procure to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security, for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any member of the Senate or House of Representatives of the United States, after his election as such member, and either before or after he shall have qualified and taken his seat, or to any officer of the United States, or person holding any place of trust or profit, or discharging any official function under or in connection with any department of the Government of the United States, or under the Senate or House of Representatives of the United States, after the passage of this act, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may then be pending, or may by law, or under the Constitution of the United States, be brought before him in his official capacity, or in his place of trust or profit, and shall be thereof convicted, such person or persons so offering, promising, or giving, or causing or procuring to be promised, offered, or given any such money, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or other valuable thing whatever, and the member, officer, or person who shall in any wise accept or receive the same, or any part thereof, shall be liable to indictment as for a high crime and misdemeanor in any court of the United States having jurisdiction for the trial of crimes and misdemeanors; and shall, upon conviction thereof, be fined not exceeding three times the amount so offered, promised, or given, and imprisoned in a penitentiary not exceeding three years; and the person convicted of so accepting or receiving the same, or any part thereof, if an officer or person holding any such place of trust or profit as aforesaid, shall forfeit his office or place; and any person so convicted under this section shall forever be disqualified to hold any office of honor, trust, or profit, under the United States.

SEC. 7. *And be it further enacted*, That the provisions of this act, and of the act of July twenty-ninth, eighteen hundred and forty-six, entitled "An act in relation to the payment of claims," shall apply and extend to all claims against the United States, whether allowed by special acts of Congress or arising under general laws of treaties, or in any other manner whatever.

SEC. 8. *And be it further enacted*, That nothing in the second and third sections of this act contained shall be construed to apply to the prosecution or defense of any action or suit in any judicial court of the United States.

APPROVED, February 26, 1853.

PUBLIC, XXVIII.—*An Act to Regulate the Terms of the District Court of the United States for the district of Iowa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of three terms annually of the district court of the United States for the district of Iowa, as now prescribed by law, there shall hereafter be held annually six terms of said court, as follows: at Dubuque on the first Mondays of January and July; at Iowa city on the first Mondays of May and October; and at Burlington on the third Mondays of May and October.

SEC. 2. *And be it further enacted*, That all process, bail-bonds, and recognizances returnable at the term of said court at Dubuque, Iowa city, and Burlington respectively, shall be returnable and returned to the court next to be held at the place where said process, bail-bonds, and recognizances are made returnable, and all continuances may be made to conform to this act.

SEC. 3. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, February 26, 1853.

PUBLIC, XXVIX.—*An Act making Appropriations for the Support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For pay of officers, instructors, cadets, and musicians, eighty-eight thousand two hundred and sixty-six dollars.

For commutation of subsistence, two thousand one hundred and ninety dollars.

For forage for officers' horses, nine hundred and sixty dollars.

For repairs, fuel, and apparatus therefor, forage for public horses and oxen, postage, stationery, printing, and other incidental and contingent expenses, twenty-nine thousand six hundred and sixty dollars.

For increase and expenses of the library, one thousand dollars.

For expenses of the board of visitors, three thousand dollars.

For completion of the new mess-hall, three thousand five hundred dollars.

For stable for dragoon and artillery horses, eight thousand dollars.

For forage for dragoon and cavalry horses, eight thousand six hundred and forty dollars.

For additional pay of fifty dollars each to the soldier employed in the Adjutant's office as clerk, and to the two enlisted men employed in the philosophical and chemical departments, one hundred and fifty dollars.

For the construction of a wharf, four thousand three hundred and thirty dollars.

APPROVED, March 2, 1853.

PUBLIC, XXX.—*An Act to provide Compensation to such Persons as may be designated by the Secretary of the Treasury to receive and keep the Public Money, under the fifteenth section of the act of sixth August, eighteen hundred and forty-six, for the additional services required under that act.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the depositaries which have been or may be designated by the Secretary of the Treasury, under the fifteenth section of the act of the sixth of August, eighteen hundred and forty-six, to receive payments and give receipts or certificates of deposit for public money from miscellaneous sources, other than the transactions of the respective offices for which they are or may be commissioned, may be paid in full compensation for receiving, safely keeping, and paying out such public money, after the first day of March, eighteen hundred and forty-nine, at the rate of one half of one per centum for the first one hundred thousand dollars; one fourth of one per centum for the second one hundred thousand dollars; and one eighth of one per centum for all sums over two hundred thousand dollars; any sum which may have been allowed to such depositary for rent or any other contingent expenses in respect to the custody of such public money, being deducted from such compensation before any payment shall be made therefor: *Provided*, That no compensation shall be allowed for the above services when the emoluments of the office of which said designated depositary is in commission amounts to the maximum compensation fixed by law; nor shall the amount allowed to any of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law: *And provided further*, That the whole allowance to any designated depositary for such services shall not exceed fifteen hundred dollars per annum.

SEC. 2. *And be it further enacted*, That the sum of twenty thousand dollars be and the same is hereby appropriated to meet the allowance which may be made under the provisions of this act.

APPROVED, March 2, 1853.

PUBLIC, XXXI.—*An Act to Establish the Territorial Government of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia river, from its mouth to where the forty-sixth degree of north latitude crosses said river near Fort Walla-Walla, thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains, be organized into and constitute a temporary government by the name of the Territory of Washington: *Provided*, That nothing in this act contained shall be construed to affect the authority of the Government of the United States to make any regulation respecting the Indians of said Territory, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *Provided further*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial Government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Washington shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside in said Territory, shall be the commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons and remit fines and forfeitures for offenses against the laws of said Territory, and respites for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, where by law such commissions shall be required, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in a legislative assembly, which shall consist of a council and house of representatives. The council shall consist of nine members, having the qualification of voters, as hereinafter prescribed, whose term of service shall continue three years. Immediately after they shall be assembled, in consequence of their first election, they shall be divided as equally as may be into three classes. The seats of the members of council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year; and if vacancies happen, by resignation or otherwise, the same shall be filled at the next ensuing election. The house of representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district or county or counties for which they may be elected, respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken, by such persons and in such mode as the governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act; and the governor shall, by his proclamation, give at least sixty days' previous notice of such apportionment, and of the time, places, and manner of holding such election. The persons having the highest number of legal votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day within ninety days after such elections as the governor shall appoint. But thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular session of the legislative assembly: *Provided*, That no session in any one year shall exceed the term of sixty days, except the first session, which shall not exceed one hundred days.

SEC. 5. *And be it further enacted*, That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, mariner, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is, and has been for the period of six months, his permanent domicil: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to or hold any civil office or appointment in the said Territory.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect: *Provided*, That nothing in this act shall be construed to give power to incorporate a bank or any institution with banking powers, or borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in said Territory; nor shall said legislative assembly authorize the issue of any obligation, scrip, or evidence of debt by said Territory, in any mode or manner whatever, except certificates for service to said Territory. And all such laws, or any law or laws inconsistent with the provisions of this act, shall be utterly null and void. And all taxes shall be equal and uniform; and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the value thereof. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relations to each other, every law shall embrace but one object, and that shall be expressed in the title.

SEC. 7. *And be it further enacted*, That all township, district, and county officers not herein otherwise provided for shall be appointed or elected in such manner as shall be provided by the legislative assembly of the Territory of Washington.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly; and no person holding a commission or appointment under the United States shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any case in which the title to land shall in any wise come in question, or where the debt or damages claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district court to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit court of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed two thousand dollars, and in all cases where the constitution of the United States, or acts of Congress, or a treaty of the United States, is brought in question; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution of the United States and the laws of said Territory, as is vested in the circuit and district courts of the United States; writs of error and appeal in all such cases shall be made to the supreme court of said Territory the same as in other cases. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed and may be taken to the Supreme Court of the United States in the same manner as from the circuit courts of the United States, where the value of the property, or the amount in controversy, shall exceed two thousand dollars, and each of said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and also of all cases arising under the laws of said Territory, and otherwise. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of the Territory of Oregon receive for similar services.

SEC. 10. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as is provided by law for the attorney of the United States for the Territory of Oregon. There shall also be a marshal for the Territory appointed, who shall hold his office for four years and until his succes-

sor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as are provided by law for the marshal of the Territory of Oregon, and shall, in addition, be paid the sum of two hundred dollars annually as a compensation for extra services.

SEC. 11. *And be it further enacted*, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace in the limits of the said Territory duly authorized to administer oaths and affirmations by the laws in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and fifteen hundred dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of two thousand dollars. The Secretary shall receive an annual salary of fifteen hundred dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars each for every twenty miles' travel in going to and returning from said session, estimated according to the nearest usually-traveled route. And a chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper, may be chosen for each house; and the chief clerk shall receive five dollar per day, and the said other officers three dollars per day, during the session of the legislative assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the legislative assembly annually, unless on an extraordinary occasion the governor shall deem it expedient and proper to call the legislature together. There shall be appropriated annually the sum of fifteen hundred dollars, to be expended by the governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the governor and secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid sums of money shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by said legislative assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 12. *And be it further enacted*, That the laws now in force in said Territory of Washington by virtue of the legislation of Congress in reference to the Territory of Oregon, which have been enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the said Territory of Washington, together with the legislative enactments of the Territory of Oregon, enacted and passed prior to the passage of, and not inconsistent with, the provisions of this act, and applicable to the said Territory of Washington, be and they are hereby, continued in force in said Territory of Washington until they shall be repealed or amended by future legislation.

SEC. 13. *And be it further enacted*, That the legislative assembly of the Territory of Washington shall hold its first session at such time and place in said Territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by said legislative assembly. And the sum of five thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Washington, to be there applied by the governor to the erection of suitable buildings at the seat of government.

SEC. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as have been heretofore exercised and enjoyed by the delegates from the several other Territories of the United States to the House of Representatives; but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; of which, and the time, place, and manner of holding such elections, he shall give at least sixty days' notice by proclamation; and at all subsequent elections the time, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. The delegate from said Territory shall be entitled to receive the same per diem compensation and mileage at present allowed the delegate from the Territory of Oregon.

SEC. 15. *And be it further enacted*, That all suits, plaints, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established within and for said Territory of Oregon, by act of Congress entitled "An act to establish the territorial government of Oregon," approved August fourteen, one thousand eight hundred and forty-eight, wherein the venue in said cases, suits at law, or in chancery, or criminal proceedings, shall be included within the limits hereinbefore declared and established for the said Territory of Washington; then, and in that case, said actions so pending in the supreme or circuit courts of the Territory or Oregon shall be, by the clerks of said courts, duly certified to the proper courts of said Territory of Washington; and thereupon said causes shall, in all things concerning the same, be proceeded on, and judgments, verdicts, decrees and sentences rendered thereon, in the same manner as if the said Territory had not been divided. All bonds, recognizances, and obligations of every kind whatsoever, valid, under the existing laws, within the limits of said Territory of Oregon, shall be held valid under this act, and all crimes and misdemeanors against the laws now in force within the said limits of the Territory of Washington, may be prosecuted, tried, and punished in the courts established by this act, and all penalties, forfeitures, actions, and causes of action, may be recovered and enforced, under this act, before the supreme and circuit courts established by this act as aforesaid: *Provided*, That no right of action whatever shall accrue against any person for any act done in pursuance of any law heretofore passed by the legislative assembly of the Territory of Oregon, and which may be declared contrary to the Constitution or laws of the United States.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and other judicial and ministerial officers, who shall be in office within the limits of said Territory of Washington when this act shall take effect, shall be and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices, as officers of said Territory, until they or others shall be duly elected or appointed, and qualified, to fill their places in the manner herein directed, or until their offices shall be abolished.

SEC. 17. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended, by and under the direction of the governor of Washington, in the purchase of a library, to be kept at the seat of government for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons and under such regulations as shall be prescribed by law.

SEC. 18. *And be it further enacted*, That, until otherwise provided for by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem expedient and proper.

SEC. 19. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Washington, who by virtue of the provisions of any law of Congress now existing, or which may be enacted during the present session of Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

SEC. 20. *And be it further enacted*, That when the lands in said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, or otherwise disposing thereof, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to common schools in said Territory. And in all cases where said sections sixteen and thirty-six, or either or any of them, shall be occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which said sections so occupied as aforesaid are situated, be and they are hereby authorized to locate other lands to an equal amount in sections or fractional sections, as the case may be, within their respective counties in lieu of said sections so occupied as aforesaid.

SEC. 21. *And be it further enacted*, That the Territory of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia river, where said river forms a common boundary between said Territories.

APPROVED, March 2, 1853.

PUBLIC, XXXII.—*An Act authorizing the Selectmen of the Town of Chelsea, in the State of Massachusetts, to lay out and make a way on Lands of the United States in said town.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selectmen of the town of Chelsea, in the State of Massachusetts, be and they are hereby authorized and empowered to lay out and make a way or street, not exceeding fifty feet in width, over the lands of the United States, situa-

ted in Chelsea, in said Commonwealth, north of the marine hospital; said way or street to connect the east end of Third street with the west end of Middlesex street, in the village of Chelsea: *Provided*, That said right of way can, in the opinion of the Secretary of the Treasury, be granted without prejudice to the public interests; and if hereafter said way shall be discontinued, the right hereby granted shall revert to the United States.

APPROVED, March 2, 1853.

PUBLIC, XXXIII.—*An Act providing for administering the Oath of Office to William R. King, Vice President elect of the United States of America.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William L. Sharkey, who was appointed Consul of the United States at Havana, be and he is hereby authorized to administer at Havana, or any other place in the island of Cuba, to William R. King, Vice President elect of the United States of America, the oath of office prescribed by the sixth article of the Constitution thereof, on the fourth day of March next, or some subsequent day, in the following terms, to wit: "I, William R. King, do solemnly swear that I will support the Constitution of the United States." Which oath, when thus administered, it shall be the duty of the said William L. Sharkey, and he is hereby required, to certify under his hand to the Congress of the United States.

SEC. 2. *And be it further enacted, by the authority aforesaid*, That any judge or magistrate in the United States of America may administer the oath of office aforesaid to the Vice President elect on the fourth of March next, or on some day subsequent thereto. And the officer before whom the same shall be taken is hereby required to certify the administration of the said oath as is hereinbefore provided.

APPROVED, March 2, 1853.

PUBLIC, XXXIV.—*An Act to amend an Act entitled "An Act to amend an Act to settle and adjust the Expenses of the People of Oregon from attacks and hostilities of Cayuse Indians in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight," approved August twenty-first, eighteen hundred and fifty-two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay, out of the appropriation mentioned in the act "to settle and adjust the expenses of the people of Oregon from attacks and hostilities of Cayuse Indians in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight," approved February fourteenth, eighteen hundred and fifty-one, the sums found due and allowed by Commissioners Wait and Rice, and by the Governor of Oregon.

APPROVED, March 2, 1853.

PUBLIC, XXXV.—*An Act to supply Deficiencies in the Appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-three, out of any money in the treasury not otherwise appropriated, namely:

For compensation of the Vice President of the United States, one thousand six hundred and thirty-eight dollars and eighty nine cents.

For outfit of a charge d'affaires to Denmark, four thousand five hundred dollars.

For salary to the commissioner at the Sandwich Islands from the seventh of June, eighteen hundred and fifty, to July first, eighteen hundred and fifty-two, and to make the same equal to the sum now provided for by law, four thousand four hundred and fourteen dollars.

For the contingent expenses of the Treasurer of the United States, one thousand dollars.

For salaries and commissions of receivers of land offices and receivers of public moneys, eight thousand dollars.

For expenses of depositing public moneys, by receivers of public moneys, two thousand and fifty dollars.

For incidental expenses of the several land offices, three thousand eight hundred dollars.

For the extension of the United States Capitol, four hundred thousand dollars: *Provided*, That so much of former appropriations for the extension of the Capitol as remains unexpended, and the appropriation now made, or which may hereafter be made for that object, shall be disbursed under such regulations as the President of the United States may prescribe; the accounts for such disbursement to be audited and paid at the Treasury in the same manner as the accounts of other civil officers charged with the disbursement of public money; and said disbursing agent shall report to the President his disbursements and proceedings, in time to be presented to Congress at the commencement of each annual session, and at any other time when required.

For the completion of the repairs of the Congressional Library room, authorized by the act approved March nineteenth, eighteen hundred and fifty-two, twenty thousand five hundred dollars.

For compensation of three men at one dollar per day each for one year, to finish and keep in order Lafayette square, one thousand and ninety five dollars.

For inclosing Lafayette square with an iron fence, five thousand one hundred dollars.

For completing the work of the seventh census, and to prepare the same for publication, twenty-five thousand dollars.

For stationery, printing blank forms and regulations, furniture, binding books, and miscellaneous items in the office of the Commissioner of Pensions, ten thousand dollars.

For engraving for fifty-one thousand five hundred and twenty copies of the mechanical part of the Patent Office Report for eighteen hundred and fifty-one-two, (1851-'2,) five hundred and eighty-five dollars.

To pay for the Congressional Globe and Appendix and the Annals of Congress, ordered for the use of the Library of the House of Representatives, under the resolution of the House of September twenty-eight, eighteen hundred and fifty, four thousand five hundred dollars.

To enable the Clerk of the House of Representatives to furnish, pay for, and deliver the same books to five new members of the present Congress, as per resolution of said House, passed twenty-sixth July, eighteen hundred and fifty-two, four thousand five hundred dollars.

For compensation of five clerks, authorized to be appointed and employed by the Postmaster General, under the thirteenth section of the act of thirty-first August, eighteen hundred and fifty-two, four thousand five hundred and four dollars and ninety cents.

For compensation to an assistant day watchman of the General Post Office, from the fifteenth of September, eighteen hundred and fifty two, until the thirtieth of June, eighteen hundred and fifty-three, four hundred and seventy-five dollars.

For the payment of the amount due William Williams, under the sixteenth article of the Cherokee treaty of eighteen hundred and thirty-five and six, being the balance of an award of four hundred and five dollars by the commissioners under said treaty, two hundred and fifty-five dollars of which was paid out of the appropriation "for carrying into effect the Cherokee treaty of eighteen hundred and thirty-five and six," one hundred and fifty dollars.

To pay Gregory Ennis, executor of Philip Ennis, deceased, balance due upon a contract for filling up the low ground south of the President's House, authorized by act of March third, eighteen hundred and forty-nine, the sum of four hundred and seventy-four dollars and fifty-four cents.

For expenses of the Board of Visiters at the Military Academy, five hundred and fifty-seven dollars and eighty-three cents.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing American citizens and American vessels from shipwreck, two thousand dollars: *Provided*, That the money shall be expended under the direction of the President of the United States.

For the compensation of Senators for the year ending thirtieth of June, eighteen hundred and fifty-three, in addition to appropriations heretofore made, and including that for the special session commencing fourth March, eighteen hundred and fifty-three, twenty-five thousand dollars.

For contingent expenses of the Senate, viz:

For binding, twenty thousand dollars.

For lithographing and engraving, twenty thousand dollars.

For books, two thousand three hundred dollars.

For Congressional Globe, and binding the same, one thousand eight hundred and forty-three dollars.

For messengers, pages, laborers, police, horses, and carry-alls, ten thousand dollars.

For clerks of President of the Senate and committees, draughtsman, fireman in crypt, and other miscellaneous items, thirty-six thousand six hundred dollars.

For the printing of the Senate for the first session of the Thirty-second Congress, fourteen thousand five hundred and thirty-three dollars.

For the printing of the House of Representatives for the first session of the Thirty-second Congress, twenty-five thousand five hundred and seventy dollars.

For the printing of the Senate for the second session of the Thirty-second Congress, thirty-seven thousand four hundred and sixty-three dollars.

For the printing of the House of Representatives for the second session of the Thirty-second Congress, fifty-six thousand one hundred and ninety-four dollars; the same having been executed and to be executed by the public printer under the provisions of the act entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," approved August twenty-six, eighteen hundred land fifty-two.

For contingent expenses of the House of Representatives, viz:

For newspapers for members, five thousand dollars.

For horses and carriages, one thousand one hundred dollars.

For clerks, messengers, pages, and laborers, ten thousand five hundred dollars.

For clerks on maps for the use of the Committee on Public Lands, seven thousand five hundred dollars.

For folding documents for members, four thousand dollars.

For clerks on index of private claims, twenty-eight thousand nine hundred and twelve dollars and fifty cents.

For miscellaneous items, twenty-four thousand nine hundred and fifty-one dollars.

For paper used and to be used for printing for the Senate for the first session of the Thirty-second Congress, thirteen thousand two hundred and thirty-four dollars and forty cents.

For paper used and to be used for printing for the House of Representatives for the first session of the Thirty-second Congress, sixteen thousand four hundred and eleven dollars and fifty cents.

For paper for the printing for the two Houses of Congress for the second session of the Thirty-second Congress, being for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-three, one hundred and forty thousand and sixty-four dollars.

For compensation to the Superintendent of Public Printing, and the two clerks and messenger in his office, four thousand three hundred and seventy-six dollars and thirty-three cents.

For blank books, advertising for proposals for paper, postage, &c., one thousand five hundred and fifty dollars.

To enable the Clerk of the House of Representatives to comply with the resolution of the House of Representatives passed on the twenty-second of December, one thousand eight hundred and fifty-two, to pay John S. Littell per diem and mileage while contesting the seat of John Robbins, Jr., during the Thirty-first Congress, two thousand three hundred and seventy-six dollars; to pay Hendrick B. Wright per diem and mileage while contesting the seat of Henry M. Fuller during the

Thirty-second Congress, one thousand nine hundred and thirty-nine dollars and twenty cents; to pay John Taliaferro per diem and mileage while contesting the seat of John P. Hungerford during the Twelfth Congress, two hundred and twenty-two dollars.

For salary of an assistant dragoman and secretary to the legation to Turkey, fifteen hundred dollars: *Provided*, That the said office be discontinued on and after the thirtieth day of June, one thousand eight hundred and fifty-three.

For clerk hire at the legation of the United States at London for one year, eight hundred dollars.

For relief of such of the Cuba prisoners, not citizens of the United States, as were pardoned by the Queen of Spain and sent out of her dominions by the United States Minister at Madrid and the American Consul at Gibraltar, seven hundred and thirteen dollars and thirty-four cents.

For extra clerk hire and copying in the Department of State, two thousand dollars.

For clerk hire, office rent, fuel, lights, and stationery for the superintendent of Indian affairs in Oregon, two thousand four hundred dollars.

For traveling expenses of superintendent of Indian affairs in Oregon, and agents therein, two thousand dollars.

For general incidental expenses of the Indian service in the Territory of Utah, twelve thousand dollars.

For payment of the second of ten installments in provisions, merchandise, etc., and the transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie of seventeenth of September, one thousand eight hundred and fifty-one, sixty thousand dollars: *Provided*, That the same shall not be paid until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the above recited treaty.

For the service of the Post Office Department, a sum not exceeding five hundred and five thousand dollars, to supply a deficiency in the revenues of said department, to meet the appropriations therefor for the year one thousand eight hundred and fifty-three.

For the reappropriation of the following sums, carried to the surplus fund per warrant number *seven*, dated twentieth of September, one thousand eight hundred and fifty-two, under the provisions of the tenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes," approved thirty-first of August, one thousand eight hundred and fifty-two, to be applied to the payment of all expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two, under the following heads, viz:

For military stations on route to Oregon, three thousand two hundred and three dollars.

For secret service money in Mexico, nineteen thousand five hundred and fourteen dollars and fifty cents.

For Mexican hostilities, ten thousand five hundred and sixty-nine dollars and six cents.

For contingencies of the army, four thousand eight hundredand four dollars and seventy-fivec ents.

For transportation, supplies, etc., in Quartermaster's Department, eighteen thousand nine hundred and fifty-two dollars and thirty-five cents.

For pay of Florida militia, on account of Quartermaster's Department, four thousand five hundred and thirty-seven dollars and eight cents.

For repressing Seminole hostilities, two hundred and sixty-four dollars and forty-three cents.

For arrearages prior to the year one thousand eight hundred and seventeen, four hundred and sixty-seven dollars and seventeen cents.

For arrearages of expenses of Indian service in Texas, one thousand and fifteen dollars and sixty-eight cents.

For subsistence of eleven regiments of volunteers, three hundred and ninety-four dollars and eight cents.

For improvement of the Genesee river, one hundred and seventy-six dollars and ten cents.

For removing obstructions at harbor of Cleveland, Ohio, one hundred and forty-five dollars and sixty-nine cents.

For sea-wall at Buffalo creek, three hundred and forty-nine dollars and five cents.

For harbor at Ashtabula, Ohio, forty-two dollars and sixty-four cents.

For harbor at Milwaukie, Wisconsin one hundred and sixty-three dollars and ninety-four cents.

For repairs, roads, &c., for armies in the field, five thousand three hundred and ninety-seven dollars and five cents.

For surveys with armies in the field, four hundred and ninety-six dollars and forty cents.

For survey from the Mississippi river to the Pacific ocean, five thousand dollars.

For arrearages of pay due Florida militia under General Read, seven thousand two hundred and forty-one dollars and ninety-three cents.

For traveling allowance to volunteers, one hundred and eighteen thousand two hundred and four dollars and forty-four cents.

For pay of Louisiana and Texas volunteers, eighteen thousand and sixty dollars and forty-nine cents.

For pay of ten regiments of regular troops, eight thousand five hundred and forty-seven dollars and fifty-one cents.

For pay of volunteers under resolution of the eighth of August, one thousand eight hundred and forty-six, seven thousand one hundred and fifty-three dollars and seventeen cents.

For pay of eleven regiments of volunteers, twenty-six thousand nine hundred and ninety-eight dollars and sixty-nine cents.

For pay of volunteers, sixty-eight thousand one hundred and fifty-seven dollars and seventy-three cents.

For three months' extra pay, two hundred thousand dollars.

For services of private physicians, one hundred and thirty dollars and twenty-seven cents.

For pay of Florida militia on account of subsistence, one thousand and thirty-nine dollars and thirty-nine cents.

For subsistence of ten regiments of regular troops, six hundred and eighty-four dollars and eighty-six cents.

For the payment of such sums as may be due to individuals under the act of March third, eighteen hundred and fifteen, for property destroyed by burning of the navy-yard in the city of Washington, in the year eighteen hundred and fourteen, the amount to be ascertained by the proper accounting officers of the Treasury, the sum of seven hundred and fifty dollars.

For the purpose of completing the pedestal of the Equestrian Statue of Andrew Jackson, in Lafayette square, and the erection of a suitable iron railing around the same, three thousand dollars.

For salaries of nine supervising and fifty local inspectors appointed under the act approved August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, fifty-three thousand eight hundred and seventy dollars and fifty cents.

To supply a deficiency in the appropriation for the completion of the east wing of the Patent Office Building, the sum of forty-four thousand dollars.

For deficiency in the appropriation heretofore made to the Bureau of Topographical Engineers, three hundred and fourteen dollars and thirty cents, to enable said bureau to pay to Loriston Averill an account due him not exceeding that sum.

For compensation of the acting secretary of the Territory of Utah, from the fourteenth of October, eighteen hundred and fifty-one, to the twenty-sixth of October, eighteen hundred and fifty-two, one thousand eight hundred and fifty-nine dollars and sixteen cents.

To pay James S. Buckley, for services as keeper of the navy-yard Eastern Branch bridge, from fourth December, eighteen hundred and forty-eight, to July first, eighteen hundred and fifty, at four hundred and fifty dollars per annum, seven hundred and eight dollars.

For payment of arrearages due to David Finch, as superintendent of the painting the exterior walls of the Patent Office and Treasury Buildings, one hundred and seventeen dollars and fifty cents.

For repairs of vessels employed in the coast survey, ten thousand dollars.

To supply a deficiency in the contingent expenses of the office of the Secretary of the Treasury for the fiscal year ending thirtieth of June, eighteen hundred and fifty three, four thousand five hundred and fifty dollars.

For the repair of damages to and the improvement of Lafayette square, one thousand two hundred and seventy-eight dollars.

For compensation of the United States assayer at San Francisco, California, from the first of January, eighteen hundred and fifty-two, to the thirtieth of June, eighteen hundred and fifty-three, seven thousand five hundred dollars.

For temporary clerk hire in the office of the Auditor of the Post Office Department, one thousand dollars.

For arrears of compensation due A. J. Downing for services as rural architect at the time of his death, six hundred and twenty-five dollars.

For laying out and graveling the roads and walks, purchasing manure and trees, and seeding down in grass the square south of the President's House, twelve thousand dollars; and for paying any balance which may be due for work done and performed.

For providing proper foundations for the custom-house at San Francisco, authorized by the sixth section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two," and in addition to the sum of forty thousand dollars heretofore appropriated, twenty-five thousand dollars.

For fuel and quarters for officers of the army serving on light-house duty, the payment of which is no longer made by the Quartermaster Department, ten thousand three hundred and forty-one dollars and twenty-seven cents.

For deficiency in the fund for purchasing light-house supplies, six thousand two hundred dollars.

For the reappropriation of seven hundred and fifty-four dollars and forty cents, being a portion of the amount heretofore appropriated for the erection of a custom-house at Eastport, Maine, and carried to the surplus fund on the thirtieth of June, eighteen hundred and fifty-two; and that the unexpended balance of the appropriation by the act of June nineteen, eighteen hundred and thirty-four, "for payment of the Georgia militia," &c., which has passed by subsequent acts into the surplus fund, be and the same is hereby reappropriated.

For balance due Levi Johnson for the site for marine hospital at Cleveland, Ohio, three thousand three hundred and ninety-six dollars.

For payment of salaries of deputy surveyors at Boston, New-York, Philadelphia, Baltimore, and New Orleans, two thousand five hundred dollars; and the salary of said officers shall be two thousand dollars per annum, commencing on the first day of July, eighteen hundred and fifty-two.

To pay Walter Burges (late district attorney of the State of Rhode Island) the sum of five hundred and eighty-four dollars and eighty cents, being in full for his services and money paid out in defending Captain Simonds, of the brig Casket, by order of John Y. Mason, late Secretary of the Navy.

For additional allowance to E. S. Norris, the sum of two thousand two hundred and sixty dollars and thirty-four cents; and to George R. Stuntz, the sum of nineteen hundred and fifty-eight dollars and fifty cents, additional allowance made to them as deputy surveyors under the surveyor general of Wisconsin and Iowa, and in accordance with the recommendations and estimates of the Commissioner of the General Land Office and the Secretary of the Interior, dated respectively on the eleventh and fourteenth of February, eighteen hundred and fifty-three.

For payment of the amount due Thomas W. Lane on three several drafts drawn in his favor by G. W. Barbour, Indian agent in California, upon R. McKee, disbursing agent for transportation, supplies, and labor furnished said agent upon special contract while treating with the Indians in said State, three thousand eight hundred and twenty-five dollars.

For the services of a striker in the shop of the Delaware Indians, from August first, eighteen hundred and twenty-three, to August thirty-first, eighteen hundred and twenty-six, and for the ser-

vices of a smith and striker in the shop of the Senecas and Shawnees of Lewistown, from seventeenth November, eighteen hundred and thirty-three, to fifteenth February, eighteen hundred and thirty-eight, deducting all amounts paid for such service during said period, and for balance for services on Seneca milldam, as estimated for by the proper department, two thousand two hundred and twenty-nine dollars.

For compensation of five members of the House of Representatives appointed a committee of investigation upon all facts touching the connection of Thomas Corwin, Secretary of the Treasury, with the Gardiner claim, and authorized to sit during the recess between the first and second session of the present Congress, the sum of three thousand eight hundred and forty dollars, or so much thereof as may be necessary, to pay the said members respectively eight dollars per day for the period they were detained at Washington in discharge of the duties of their appointment.

To enable the Clerk of the House of Representatives to pay Peter Force and John C. Rives for one hundred and two copies of the third volume of the fifth series of the "American Archives," or Documentary History of the United States, for the new members of the House of the Twenty-sixth Congress; one hundred and seventeen copies of the same volume for the new members of the Twenty-seventh Congress; one hundred copies of the same volume for the new members of the Twenty-eighth Congress; one hundred and one copies of the same volume for the new members of the Twenty-ninth Congress; one hundred and sixteen copies of the same volume for the new members of the Thirtieth Congress; one hundred and thirty-four copies of the same volume for the new members of the Thirty-first Congress; and one hundred and thirty copies of the same volume for the new members of the Thirty-second Congress; in all eight hundred volumes, at sixteen dollars forty-five cents and six mills per volume, thirteen thousand one hundred and sixty-two dollars and forty cents.

To enable the Clerk of the House of Representatives to pay for reporting and publishing eight hundred and fifty columns of the proceedings of the House of Representatives of the second session of the thirty-second Congress in the Daily Globe, at seven dollars and fifty cents per column, six thousand three hundred and seventy-five dollars; and to enable the said John C. Rives to pay the reporters of this House for this session the sum of seven dollars per column instead of four for the reports of the Congressional Globe, the sum of three thousand dollars, or so much as may be necessary; and the Clerk of this House be authorized to pay the same to said Rives for that purpose.

To enable the Clerk of the House of Representatives to pay a balance due for reporting and publishing the proceedings of the House during the first session of the thirty-second Congress, being sixty-five columns and one line, at the rate of seven dollars and fifty cents per column, four hundred and sixty-seven dollars and fifty-four cents.

To enable the Clerk of the House of Representatives to pay for twenty-four copies of the Congressional Globe and Appendix of the second session of the Thirty-second Congress for each member and delegate of the House, seventeen thousand and sixty-four dollars; and for binding the same, being five thousand six hundred and eighty-eight volumes, in strong and substantial half-binding, with Russia backs and corners, at a rate not exceeding sixty cents per volume, three thousand four hundred and twelve dollars and eighty cents.

For this amount of money appropriated, and goods purchased under treaty stipulations for the Lake Chippewa Indians, lately destroyed by fire at the agency of said Indians, fifteen thousand dollars: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to purchase said goods in open market, without the usual notice in such cases required by law.

SEC. 2. *And be it further enacted*, That the seventh section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes," approved first, eighteen hundred and fifty-three, and the same is hereby repealed.

SEC. 3. *And be it further enacted*, That hereafter no books shall be distributed to members of Congress except such as are ordered to be printed, as public documents, by the Congress of which they are members: *Provided*, That this section shall not prohibit or interfere with the distribution to members who have heretofore received books under an order of either House, of the remaining volumes or parts, so as to complete the sets of which they have received part.

For paying expenses of David Dale Owen's geological report, from Philadelphia to Washington, for one hundred and seventeen boxes, and porterage, ninety-nine dollars and forty-five cents; for insurance, ninety dollars; for freight on one hundred and seventeen boxes, one hundred and forty-six dollars; total, three hundred and thirty-five dollars and forty-five cents.

SEC. 4. *And be it further enacted*, That so much of the second section of the act making appropriations for the support of the army for the year ending thirtieth of June, eighteen hundred and fifty-three, approved thirty-first August, eighteen hundred and fifty-two, as provides that "no portions of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two," be, and the same is hereby repealed, so far as it relates to the appropriation for light-houses contained in said act, except as to the light-houses which have been contracted for to be erected upon the Pacific coast.

And that the Secretary of the Treasury be, and he is hereby, authorized to pay to John McC. Reynolds the sum of one thousand dollars for expenses incurred by him in removing materials for the construction of a light-house in the State of Michigan, the department having changed the site after said materials were delivered at the site first selected.

SEC. 5. *And be it further enacted*, That the officers appointed to assist the superintendent of the naval astronomical expedition in Chili, directed by the act of the third of August, eighteen hundred and forty-eight, shall be allowed an increased compensation in a rateable proportion, according to pay and rank, at the time of departure from the United States, to the allowance made to the said superintendent by the act of March third, eighteen hundred and fifty-one, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 6. *And be it further enacted*, That the time for receiving bids under the act of third of July, one thousand eight hundred and fifty-two, for the erection of a mint in California, be extended to the first of April, one thousand eight hundred and fifty-three, and that the sum of three hundred thousand dollars appropriated by said act, or so much thereof as may be necessary, shall be applied only to the erection and putting in operation a mint in California, and not to the purchase of any building for that purpose.

SEC. 7. *And be it further enacted*, That when gold or silver shall be cast into bars or ingots or formed into disks at the mint of the United States, or any of the branches thereof, or at any assay office of the United States, the charge for refining, casting, or forming said bars, ingots, or disks shall be equal to but not exceed the actual cost of the operation, including labor, wastage, use of machinery, materials, etc., to be regulated from time to time by the Secretary of the Treasury. And the Secretary of the Treasury is hereby authorized to regulate the sizes and devices of the new silver coin, authorized by an act entitled "An act amendatory of existing laws relative to the half dollar, quarter dollar, dime, and half dime," passed at the present session; and that, to procure such devices, as also the models, moulds, and matrices or original dies for the coins, disks, or ingots authorized by said act, the director of the mint is empowered, with the approval of the Secretary of the Treasury, to engage temporarily for that purpose the services of one or more artists, distinguished in their respective departments, who shall be paid for such services from the contingent appropriation for the mint. And that hereafter the three cent coin now authorized by law shall be made of the weight of three-fiftieths of the weight of the half dollar, as provided in the said act, and the same standard of fineness. And the said act entitled "An act amendatory of existing laws relative to the half dollar, quarter dollar, dime, and half dime," shall take effect and be in full force from and after the first day of April, one thousand eight hundred and fifty-three, anything therein to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That in the settlement of his accounts the late Collector of the port of San Francisco, in the State of California, be allowed credit for five thousand dollars advanced to J. Neely Johnson for taking the seventh census.

APPROVED, March 3, 1853.

PUBLIC, XXXVI.—*An Act making Appropriations for the Civil and Diplomatic Expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-four, namely:

Legislative.

For compensation and mileage of Senators, one hundred and eighty-seven thousand nine hundred and ninety-nine dollars and twenty cents.

For compensation and mileage of members of the House of Representatives, and delegates from Territories, six hundred and fifty-five thousand three hundred and seventy-three dollars and sixty cents.

For compensation of the officers and clerks of both Houses of Congress, fifty-seven thousand nine hundred and thirty dollars.

For the contingent expenses of the Senate, viz:

For binding, fifteen thousand dollars.

For lithographing and engraving, fifteen thousand dollars.

For books, twelve thousand dollars.

For stationery, eight thousand dollars.

For newspapers, two thousand five hundred dollars.

For Congressional Globe and binding the same, eight thousand dollars.

For reporting proceedings, twenty-four thousand five hundred dollars.

For clerks to committees and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses and carry-alls; fifty-five thousand dollars; and to enable the Clerk of the House of Representatives to comply with the resolution of said House of March first, one thousand eight hundred and fifty-three, directing him to pay the usual extra compensation to the employees in and about the Capitol, a sum sufficient for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and is hereby added to the contingent fund of said House.

To supply a deficiency in the appropriations heretofore made for the contingent expenses of the Senate, for lithographing and engraving, for the year ending June thirtieth, eighteen hundred and fifty-three, twenty-four thousand dollars.

For miscellaneous items, twenty thousand dollars.

To supply a deficiency in the appropriation for the fiscal year ending thirtieth June, one thousand eight hundred and fifty-three, and defray the expenses of select committees of investigation appointed by the Senate, eighteen thousand dollars.

For the expenses of the House of Representatives, viz:

For furniture, carpeting, and repairs, six thousand dollars.

For twenty-one messengers, twenty-one thousand one hundred and sixty-two dollars.

For the messenger who has charge of the Hall of the House of Representatives, one thousand four hundred and fifty dollars.

For two messengers in clerk's office, three thousand dollars.

For horses and carriages, two thousand seven hundred and fifty-five dollars.

For saddle-horses, six hundred dollars.

For fuel, oil, and candles, four thousand five hundred dollars.

For newspapers for members, ten thousand dollars.

For capitol police, three thousand five hundred and sixty dollars.

For engraving and lithographing, twenty-five thousand dollars.

For binding documents, twenty-five thousand dollars: *Provided*, That of all the documents, the printing of additional copies of which may be ordered by either House of Congress, and the size of which shall not be less than two hundred and fifty pages, such additional copies shall be bound in such manner as may be directed by the respective committees on printing of each House, the cost of which shall not exceed twelve and a half cents per volume; and it shall be the duty of the Superintendent of the Public Printing to supervise the binding of the public documents, to receive said binding when executed, and see that the same is done in a neat and workmanlike manner, according to such sample as may be preserved in his office, and in proper time; and before the binder shall receive pay for the same, he shall produce the certificate of the said superintendent that his work has been executed as above required, and has been accepted by him. And it shall also be the duty of the said superintendent to receive and preserve in his office samples of paper upon which maps, charts, diagrams, plats, or other engravings may be contracted to be furnished, and to receive from the contractor said maps, charts, diagrams, plats, or other engravings, and compare the paper upon which they may be printed with the samples so preserved, and he shall not receive any map, chart, diagram, plat, or other engraving which may not be printed on paper equal to the samples so preserved, or which may not be executed in a proper manner, and within the time specified in the contract, (unless for special reasons the superintendent may extend the time,) and which may not be in the quantity called for thereby; and said contractor shall not receive pay for the same, except upon the certificate of the superintendent that the foregoing requisites have been complied with.

For folding, ten thousand dollars.

For laborers, two thousand five hundred dollars.

For pages, four thousand dollars.

For stationery, twenty thousand dollars.

For miscellaneous items, ten thousand dollars.

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger, four thousand five hundred dollars.

For contingent expenses of said library, one thousand dollars.

For purchase of books for said library, five thousand dollars.

For purchase of law books for said library, two thousand dollars.

For the completion of the publication of the works of the Exploring Expedition in pursuance of contracts already made, twenty-five thousand dollars: *Provided*, That this appropriation shall finish the publication.

For the preparation and publication of a general catalogue of the Library of Congress, to be made in such manner as the Joint Committee on the Library of Congress may direct, three thousand dollars.

Executive.

For compensation of the President of the United States, twenty-five thousand dollars.

For compensation of the Vice President of the United States, five thousand dollars.

Department of State.

For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office, thirty-three thousand seven hundred dollars.

For the Incidental and Contingent expenses of said Department.

For publishing the laws in pamphlet form, and in the newspapers of the United States and Territories and in the city of Washington, sixteen thousand twenty-five dollars.

For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation, ten thousand dollars.

For the payment of the expenses attending upon the funeral obsequies of the late Secretary of State, one thousand two hundred and twenty-nine dollars and thirty-seven cents.

For stationery, blank-books, binding, labor, and attendance, furniture, fixtures, repairs, painting, and glazing, four thousand four hundred dollars.

For books and maps, one thousand eight hundred and ninety dollars and seventy cents.

For newspapers, two hundred dollars.

For miscellaneous items, one thousand dollars.

Northeast Executive Building.

For compensation of the superintendent and four watchmen of the northeast executive building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For fuel, labor, oil, and repairs, three thousand three hundred dollars.

Treasury Department.

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office, thirty-two thousand and fifty dollars.

For compensation of the First Comptroller, and the clerks and messenger in his office, twenty-two thousand one hundred and fifty dollars.

For compensation of the Second Comptroller, and the clerks and messenger in his office, twenty-four thousand six hundred and fifty dollars.

For compensation of the First Auditor, and the clerks, messenger, and assistant messenger in his office, twenty-three thousand dollars.

For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger in his office, thirty-four thousand eight hundred dollars.

For compensation of the Third Auditor, and the clerks, messengers, and assistant messenger in his office, fifty-nine thousand one hundred and fifty dollars.

For compensation of temporary clerks, employed in the office of the Third Auditor in making out certificates of service from the muster-rolls of eighteen hundred and twelve, and the several Indian wars, and on arrearages of pay, thirty-one thousand one hundred dollars: *Provided*, That no clerk shall receive more than at the rate of one thousand dollars per annum under this act, except one, whose salary shall be sixteen hundred dollars per annum, and four whose compensation shall be four dollars per day.

For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, twenty thousand four hundred and fifty dollars; the salary of the assistant messenger per act of third of March, eighteen hundred and forty-nine, being hereby increased to the sum of three hundred dollars per annum.

For compensation of the Fifth Auditor, and the clerks and messenger in his office, eleven thousand four hundred dollars.

For compensation of the Treasurer of the United States, and the clerks and messenger in his office, thirteen thousand seven hundred and fifty dollars.

For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers, in his office, thirty thousand eight hundred dollars.

For compensation of the Solicitor of the Treasury, and the clerks and messengers in his office, thirteen thousand eight hundred and fifty dollars.

For compensation of the Commissioner of Customs, and the clerks and messenger in his office, sixteen thousand five hundred dollars.

For compensation of the clerks and messenger of the Light-House Board, six thousand four hundred dollars.

Contingent Expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For labor, blank books, stationery, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress—said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than three dollars thirty-three and one third cents per day for the time actually and necessarily employed—eight thousand five hundred and fifty dollars.

For miscellaneous items, two thousand eight hundred dollars.

In the office of the First Comptroller:

For blank books, binding, stationery, furniture, labor, and miscellaneous items, two thousand and forty dollars.

In the office of the Second Comptroller:

For blank books, binding, stationery, including pay for the National Intelligencer and the Union, to be filed and preserved for the use of the office, seven hundred dollars.

For labor, office furniture, and miscellaneous items, eight hundred dollars.

In the office of the First Auditor:

For blank books, binding, and stationery, labor, and cases for records and official papers, one thousand dollars.

For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office, three hundred dollars.

In the office of the Second Auditor:

For blank books, binding, stationery, labor, office furniture, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, and miscellaneous items, one thousand three hundred and thirty-two dollars and eighty-four cents.

In the office of the Third Auditor:

For blank books, binding, stationery, office furniture, including carpeting, two newspapers—the Union and Intelligencer—to be filed, labor and miscellaneous items, one thousand eight hundred and ninety-four dollars and seventy-nine cents.

For expenses of arranging document rooms and preserving files and papers, one thousand dollars.

For contingencies incident to the bounty land service, and arrearages, one thousand four hundred dollars.

In the office of the Fourth Auditor:

For stationery, books, and binding, six hundred dollars.

For labor, one hundred dollars.

For miscellaneous items, two hundred dollars.

In the office of the Fifth Auditor:

For blank books, binding, and stationery, two hundred and fifty dollars.

For hire of laborers, one hundred and seventy-five dollars.

For miscellaneous expenses, three hundred dollars.

In the office of the Treasurer:

For blank books, binding, stationery, labor, and miscellaneous items, one thousand two hundred and sixty-two dollars.

In the office of the Register:

For blank books, binding, and stationery, including one thousand five hundred dollars for ruling and full binding twenty-three books for recording the collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use, two thousand nine hundred and forty-six dollars.

For labor and other miscellaneous items, and for additional cases for filing the accounts of the First and Fifth Auditors, and the Commissioner of the General Land Office, two thousand dollars.

For arranging and binding canceled marine papers, returned by the collectors of the customs, one thousand dollars.

In the office of the Solicitor:

For blank books, binding, stationery, and for labor, nine hundred dollars.

For miscellaneous items, two hundred dollars.

For statutes and reports, including those of the several States, one thousand dollars.

In the office of the Commissioner of Customs:

For blank books, binding, stationery, and labor, one thousand seven hundred dollars.

For miscellaneous items, two hundred and twenty-five dollars.

Light-House Board.

For blank books, binding, and stationery, two hundred and fifty dollars.

For miscellaneous expenses, three hundred and fifty dollars.

Southeast Executive Building.

For compensation of the superintendent and eight watchmen of the southeast executive building, four thousand five hundred dollars.

For contingent expenses of said building, viz: for labor, fuel and lights, fourteen thousand five hundred dollars.

For rent of additional buildings, in part occupied by the Secretary of the Interior, and part by the First Auditor of the Treasury, three thousand five hundred dollars.

For fuel, watching, and miscellaneous items for the same, four thousand dollars.

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers in his office, twenty-four thousand seven hundred dollars.

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office, ninety-eight thousand eight hundred and six dollars.

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office, twenty-six thousand two hundred dollars.

For compensation of the Commissioner of Pensions, and the clerks and messengers in his office, eighteen thousand eight hundred dollars.

For compensation to temporary clerks employed in the office of the Commissioner of Pensions, forty-two thousand and forty-six dollars and sixty-six cents: *Provided*, That no clerk shall receive more than at the rate of three dollars thirty-three and one third cents per day, except two, whose compensation shall be twelve hundred dollars per annum.

Contingent expenses of the Department of the Interior.

In the office of the Secretary of the Interior:

For books, stationery, furniture, and other contingencies, three thousand seven hundred dollars.

For library, books, and maps, one thousand dollars.

In General Land Office:

For compensation of laborers, two thousand dollars.

For cash system and military patents, under laws prior to thirtieth of September, eighteen hundred and fifty; patent and other records, tract-books, blank books, for the district land offices; binding plats, field-notes, &c.; stationery, office furniture, and repairs of same, and miscellaneous items, thirty-six thousand three hundred and twenty-five dollars: *Provided*, That whenever the cost of collecting the revenue from the sales of the public lands in any United States land district shall be as much as one third of the whole amount of revenue collected in such district, it shall and may be lawful for the President of the United States, if in his opinion not incompatible with the public interest, to discontinue the land office in such district, and to annex the said district to some other adjoining land district or districts of the United States.

For parchment, maps, records, letter and other records, required under the swamp land act of twenty-eighth of September, eighteen hundred and fifty; military bounty acts of twenty-eighth of September, eighteen hundred and fifty, and twenty-second of March, eighteen hundred and fifty-two, and for the satisfaction of Virginia land warrants, per act of thirty-first of August, eighteen hundred and fifty-two; printing plate and engraving scrip, authorized to be issued by act of thirty-first of August, eighteen hundred and fifty-two, including form, &c., under said act, and other miscellaneous expenses, thirty-two thousand seven hundred dollars.

In the office of the Commissioner of Indian Affairs:

For blank books, binding, and stationery, one thousand dollars.

For labor, two hundred dollars.

For miscellaneous items, eight hundred dollars.

In the office of the Commissioner of Pensions:

For stationery, three thousand dollars.

For binding books, one thousand dollars.

For furniture, five hundred dollars.

For engraving bounty land warrants, four thousand five hundred dollars.

For miscellaneous items, one thousand dollars.

Contingent expenses of east wing of Patent Office Building, viz:

For labor, fuel, lights, and incidental expenses, two thousand two hundred dollars.

War Department.

For compensation of the Secretary of War and the clerks, messenger, and assistant messenger in his office, eighteen thousand and fifty dollars.

For compensation of the clerk and messenger in the office of the Commanding General, one thousand five hundred dollars.

For compensation of the clerks and messenger in the office of the Adjutant General, ten thousand four hundred and fifty dollars.

For compensation of the clerks and messenger in the office of the Quartermaster General, twelve thousand three hundred dollars: *Provided*, That it shall be the duty of the Quartermaster General to have prepared in his office, out of the above appropriation, books of transfer for the use of the Third Auditor's office.

For compensation of the clerks and messenger in the office of clothing and equipage, in Philadelphia, four thousand and forty dollars.

For compensation of the clerks and messenger in the office of the Paymaster General, nine thousand nine hundred dollars.

For compensation of the clerks and messenger in the office of the Commissary General of Subsistence seven thousand three hundred dollars.

For compensation of the clerks and messenger in the office of the Chief Engineer, five thousand nine hundred dollars.

For compensation of the clerks and messenger in the office of the Surgeon General, three thousand six hundred and fifty dollars.

For compensation of the clerks and messenger in the office of the Colonel of Ordnance, eight thousand six hundred and fifty dollars.

For compensation of the clerks and messenger in the Bureau of Topographical Engineers, four thousand nine hundred dollars.

Contingent expenses of the War Department.

In the office of the Secretary of War:

For blank books, stationery, and labor, one thousand four hundred and fifty dollars.

For miscellaneous items, five hundred and fifty dollars.

For books, maps, and plans, one thousand dollars.

For extra clerks, one thousand five hundred dollars.

In the office of the Commanding General:

For miscellaneous items, three hundred dollars.

In the office of the Adjutant General:

For blank books, binding, and stationery, five hundred dollars.

For miscellaneous items, including office furniture, five hundred dollars.

In the office of the Quartermaster General, including the office at Philadelphia:

For blank books, binding, and stationery, seven hundred dollars.

For labor, one hundred and fifty dollars.

For miscellaneous items, four hundred dollars.

For office rent at Philadelphia, five hundred dollars.

In the office of the Commissary General of Subsistence:

For blank books, binding, stationery, advertising, and labor, two thousand nine hundred dollars.

For miscellaneous items, one hundred and fifty dollars.

In the office of the Chief Engineer:

For blank books, binding, and stationery, five hundred dollars.

For miscellaneous items, including subscription to two daily Washington newspapers, four hundred dollars.

In the office of the Surgeon General:

For blank books, binding, and stationery, two hundred dollars.

For miscellaneous items, one hundred and fifty dollars.

In the office of the Colonel of Ordnance:

For blank books, binding, and stationery, four hundred dollars.

For miscellaneous items, three hundred and fifty dollars.

In the Bureau of Topograpical Engineers:

For blank books, binding, stationery, and labor, twelve hundred and fifty dollars.

For miscellaneous items, five hundred dollars.

Northwest Executive Building.

For compensation of the superintendent, and four watchmen, of the Northwest Executive Building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For labor, fuel, and light, two thousand four hundred dollars.

For miscellaneous items, one thousand six hundred dollars.

Building corner of F and Seventeenth streets.

For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it, twenty-one thousand eight hundred and seventy-five dollars.

For compensation of superintendent, and four watchmen, of the building corner of F and Seventeenth streets, two thousand two hundred and fifty dollars.

For contingent expenses of said building:

For miscellaneous items, including labor, one thousand four hundred dollars.

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office, twenty-two thousand dollars.

For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and the clerks, draughtsman, and messenger in his office, thirteen thousand six hundred dollars: *Provided*, That the chief of the Bureau be a "skillful naval constructor," as required by the act approved August thirty-first, eighteen hundred and forty-two, instead of a captain in the Navy.

For compensation of the chief naval constructor, and the engineer-in-chief, six thousand dollars.

For compensation of the Chief of the Bureau of Ordnance and Hydrography, and the clerks, draughtsman, and messenger in his office, nine thousand four hundred dollars.

For compensation of the Chief of the Bureau of Navy-Yards and Docks, and of the civil engineer, draughtsman, clerks, and messenger in his office, twelve thousand six hundred dollars.

For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, seven thousand three hundred dollars.

For compensation to the Chief of the Bureau of Medicine and Surgery, and the assistant to chief, clerks, and messenger in his office, seven thousand seven hundred dollars.

Contingencies of the Navy Department.

For contingencies of the Navy Department, and all the bureaus connected therewith, viz:

For blank books, binding, stationery, books, plans, drawings, labor, newspapers and periodicals, incidental and miscellaneous items, six thousand four hundred and thirty dollars.

Southwest Executive Building.

For compensation of the superintendent and four watchmen of the southwest executive building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For labor, three hundred and twenty-five dollars.

For fuel and lights, one thousand five hundred and fifty dollars.

For miscellaneous items, one thousand one hundred and fifty dollars.

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, and watchmen of said department, one hundred and eight thousand nine hundred dollars.

For compensation of the superintendent of the Post Office building, two hundred and fifty dollars.

Contingent expenses of the Post Office Department.

For blank books, binding, stationery, fuel for the General Post Office building, including the Auditor's office, oil, gas, and candles, labor, day watchman, and for miscellaneous expenses, eleven thousand eight hundred dollars.

For repairs of the General Post Office building, for office furniture, glazing, whitewashing, and for keeping the fire-places and furnaces in order, one thousand five hundred dollars.

Auditor of the Post Office Department:

For compensation of the Auditor of the Post

Office Department, and the clerks, messenger, and assistant messenger in his office, one hundred and three thousand two hundred dollars.

For contingent expenses of said office, viz:

For labor, three thousand and eighty dollars.

For stationery, two thousand three hundred dollars.

For blank books, one thousand two hundred dollars.

For binding and ruling, six hundred and twenty dollars.

For miscellaneous items, viz:

For file-boards, repairs, cases, and desks, for safe-keeping of paper, new furniture, lights, washing towels, ice, horse for messenger, telegraphic dispatches, stoves, &c., one thousand five hundred dollars.

Mint of the United States at Philadelphia.

For salaries of the director, treasurer, chief coiner, melter and refiner, engraver, assayer, assistant assayer, and six clerks, twenty-two thousand two hundred dollars.

For wages of workmen, seventy-two thousand dollars.

For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs, and wastage, in addition to other available funds, forty-one thousand five hundred dollars; and it shall be the duty of the superintendent of the mint to cause to be paid annually into the Treasury of the United States the profits of the mint, and to present a quarterly account of the expenditures of the mint to the Secretary of the Treasury.

For specimens of ores and coins, to be reserved at the mint, three hundred dollars.

At Charlotte, North Carolina.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, four thousand one hundred dollars.

For incidental and contingent expenses, including wastage of gold, fuel, materials, stationery, and repairs, one thousand five hundred dollars.

At Dahlonega, Georgia.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, three thousand six hundred dollars.

For incidental and contingent expenses, including wastage, in addition to other available funds, one thousand four hundred dollars.

At New Orleans, Louisiana.

For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and clerks, seventeen thousand three hundred dollars.

For wages of workmen, thirty-five thousand seven hundred dollars.

For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs, and wastage, in addition to other available funds, sixty-eight thousand dollars.

Government in the Territories.

TERRITORY OF OREGON.

For salaries of governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF MINNESOTA.

For salaries of governor, superintendent of Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF NEW MEXICO.

For salaries of governor, superintendent of Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For payment of the expenses of the board of commissioners to prepare and compile a code of laws for the better government of the Territory of New Mexico, authorized by the act of the Legislative Assembly approved July fifteenth, eighteen hundred and fifty-one, the sum of eighteen hundred and fifty-five dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars; and it is hereby provided that the appropriation made by the act approved thirteenth of September, one thousand eight hundred and fifty, "for public buildings for the Territory of New Mexico," is continued and made applicable to the object originally contemplated, notwithstanding the provisions of the tenth section of the act of August thirty-first, one thousand eight hundred and fifty-two.

TERRITORY OF UTAH.

For salaries of governor, superintendent of Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

To enable the President to cause a site to be purchased and a suitable building to be erected for a penitentiary in each of the Territories of Utah and New Mexico, twenty thousand dollars: *Provided*, That the entire cost of the site and the completion of said buildings shall not exceed the sum hereby appropriated.

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight Associate Judges, forty-one thousand dollars.

For salaries of the district judges, seventy thousand seven hundred dollars.

For salaries of the chief judge of the District of Columbia, the assistant judges, and the judges of the criminal court and the orphans' court, eleven thousand seven hundred dollars.

For salaries of the Attorney General, and the clerks and messengers in his office, ten thousand three hundred dollars.

For contingent expenses of the office of the Attorney General, five hundred dollars.

For salary of the reporter of the Decisions of the Supreme Court, one thousand three hundred dollars.

For compensation of the district attorneys, eight thousand eight hundred dollars.

For compensation of the marshals, seven thousand four hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses in aid of the funds arising from fines, penalties, and forfeitures, incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-four, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, six hundred and seventy-two thousand nine hundred dollars.

That the Secretary of the Interior be, and he is hereby, directed to examine the claim presented by the county of Lee, in the State of Iowa, for the expenses of the United States district court, which were paid by said county prior to the admission of said State into the Union; and if, upon such examination, he is satisfied that prior to said time the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December nineteen, eighteen hundred and forty-three, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same: *Provided*, That the amount thus allowed shall not exceed the sum of fourteen thousand four hundred dollars, which is hereby appropriated for that purpose, out of any money in the Treasury.

To aid the directors of the Washington Infirmary to enlarge their accommodations for the benefit of sick transient paupers, twenty thousand dollars.

Surveyors General and their Clerks.

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, five thousand eight hundred and twenty dollars.

For compensation of the surveyor general of Louisiana, and the clerks in his office, four thousand five hundred dollars.

For compensation of the surveyor general of Florida, and the clerks in his office, five thousand five hundred dollars.

For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Arkansas, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Oregon, and the clerks in his office, six thousand five hundred dollars.

For compensation of the surveyor general of California, and the clerks in his office, eighteen thousand five hundred dollars.

For clerks in the office of the surveyors general, including the offices in Oregon and California, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveys for the purpose of preserving them at the seat of Government, forty thousand dollars.

Light-House Establishment.

For supplying light-houses, containing three thousand two hundred and seventy-two lamps, with oil, lamp-glasses, wicks, buff-skin, polishing powder, whiting, and other cleaning materials; transportation, and other necessary expenses on the same; repairing and keeping in repair the lighting apparatus; publishing necessary rules, regulations, and instructions; notices to mariners of changes of aids to navigation, and of lights, &c., one hundred and eighty-two thousand three hundred and thirty dollars and seventy-eight cents.

For supplying forty-nine light-houses, to contain five hundred and sixty-one lamps, with oil, &c., &c., as above, authorized by acts of third of March, one thousand eight hundred and fifty-one, and thirty-first August, one thousand eight hundred and fifty-two, thirty thousand four hundred and sixty dollars and thirty-four cents.

For repairs and incidental expenses, refitting, and improvements of three hundred and forty-nine light-houses, and buildings connected therewith, one hundred and ten thousand eight hundred and fifty-seven dollars.

For repairs and incidental expenses, refitting, and improvements of forty-nine light-houses and buildings connected therewith, provided for by acts of third of March, one thousand eight hundred and fifty-one, and thirty-first of August, one thousand eight hundred and fifty-two, twenty-four thousand eight hundred and fourteen dollars and seventy-one cents.

For salaries of three hundred and twenty-one light-house keepers, and twenty-four assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes, one hundred and thirty-six thousand seven hundred and eighteen dollars and thirty-three cents.

For salaries of forty-nine keepers, and six assistants, for the light-houses authorized by acts of the third of March, one thousand eight hundred and fifty-one, and thirty-first of August, one thousand eight hundred and fifty-two, at the average legal rate per annum for each keeper, twenty-two thousand dollars.

For salaries of forty-two keepers of light-vessels, twenty-three thousand dollars.

For salaries of five keepers of light-vessels, authorized by acts of the third of March, one thousand eight hundred and fifty-one, and thirty-first of August, one thousand eight hundred and fifty-two, three thousand one hundred and fifty dollars.

For seamen's wages, repairs, and supplies for forty-two light-vessels, one hundred and three thousand six hundred and sixty-four dollars and fifty-two cents.

For seamen's wages, supplies, and incidental expenses for five light-vessels, authorized by acts of third of March, one thousand eight hundred

and fifty-one, and thirty-first of August, one thousand eight hundred and fifty-two, thirty-three thousand and four dollars and seventy-two cents.

For expenses of weighing, cleaning, repairing, mooring, and supplying losses of floating beacons and buoys, chains, sinkers, &c., for light-vessels, fifty-nine thousand and fifty-seven dollars and hirty-two cents.

For expenses of weighing, cleaning, repairing, mooring, and supplying losses of two hundred and forty-five dumb beacons and buoys, and their appendages, authorized by act of the thirty-first of August, one thousand eight hundred and fifty-two, twelve thousand three hundred dollars.

For expenses of coloring, numbering, &c., all of the buoys and beacons provided for by the act of the twenty-eighth of September, one thousand eight hundred and fifty, twelve thousand dollars.

For life-boats and other means of rendering assistance to wrecked mariners and others on the coast of the United States, ten thousand dollars.

For expenses of visiting and reporting the condition of lights and other aids to navigation, two thousand dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to the act of March third, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and 'diplomatic expenses of Government for the year 'ending June thirtieth, eighteen hundred and fifty-'two, and for other purposes," on the amount that may be disbursed by them, eight thousand dollars.

Coasts of California and Oregon:

For oil and other supplies, cleaning materials of all kinds, transportation of supplies, keeping lamps and machinery in good repair, and the towers and buildings in a proper state of preservation, superintendence, and inspection of thirteen lights, replacing, cleaning, painting, and preserving all the buoys in the waters of California and Oregon, and all incidental expenses connected with the aids to navigation on these coasts, twenty-nine thousand and thirty-five dollars.

For salaries of thirteen keepers and eleven assistants, at an average not exceeding six hundred dollars per annum, fourteen thousand four hundred dollars.

Light-Houses.

For rebuilding light-house on Chandeleur Island, Louisiana, destroyed in August, eighteen hundred and fifty-two, fifteen thousand dollars.

For restoring the light-house buildings, seawalls, &c., which were injured or destroyed during the late gales on the southern coast, twenty-five thousand dollars.

For fitting Cape Hatteras light with first order of illuminating apparatus and lantern, and elevating the light, fifteen thousand dollars.

For removing the iron light-house tower, at the junction of southwest and northeast passes of the Mississippi to Pass a l'Outre, and substituting a small beacon light in its stead, six thousand dollars.

Independent Treasury.

For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, eleven thousand five hundred dollars.

For additional salaries of the treasurer of the mint at Philadelphia, of one thousand dollars, and of the treasurer of the branch mint at New Orleans, of five hundred dollars, one thousand five hundred dollars.

For salary of the treasurer of the branch mint at San Francisco, four thousand five hundred dollars.

For salaries of ten additional clerks, authorized by the acts of August sixth, eighteen hundred and forty-six, August twelfth, eighteen hundred and forty-eight, March third, eighteen hundred and fifty-one, and thirty-first of August, eighteen hundred and fifty-two, ten thousand eight hundred dollars.

For salary of chief clerk to the assistant treasurer at New York, one thousand six hundred dollars.

For salary of a clerk for the treasurer of the branch mint at San Francisco, California, two thousand five hundred dollars.

For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue of sixth August, eighteen hundred and forty-six, sixteen thousand five hundred dollars: *Provided*, That no part of said sum of sixteen thousand five hundred dollars shall be expended for clerical services.

For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August sixth, eighteen hundred and forty-six, five thousand dollars.

For the compensation of an additional appraiser general, to be appointed by the President by and with the advice and consent of the Senate, and to be employed on the Pacific coast, six thousand dollars.

Survey of the Coast.

For survey of the coast of the United States, including compensation to superintendent and assistants, (and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the navy, employed on the work,) one hundred and eighty-six thousand dollars.

For continuing the survey of the western coast of the United States, (excluding the pay and emoluments of the officers of the army and navy, and petty officers and men of the navy, employed on the work,) one hundred and fifty thousand dollars.

For continuing the survey of the Florida reefs and keys, (excluding the pay and emoluments of the officers of the army and navy, and petty officers and men of the navy, employed on the work,) thirty thousand dollars.

For continuing the survey of the northern and northwestern lakes, including Lake Superior, fifty thousand dollars: *Provided*, That a survey of so much of the communication between Lake Huron and the Sault Ste. Marie as may be necessary to ascertain what part thereof requires to be deepened shall be made without delay, and plans and estimates of the nature and expense of the work shall be laid before Congress at its next session.

For printing and distributing charts of lake surveys, fifteen hundred dollars.

Custom-Houses.

For continuing the construction of the custom-house at Charleston, South Carolina, one hundred thousand dollars.

For continuing the construction of the custom-house at New Orleans, Louisiana, three hundred and twenty-four thousand dollars; subject to the limitations and restrictions imposed on the appropriation made for the same object at the second session of the last Congress, as respects the plan after which the building is to be erected.

To complete the custom-house at Bath, Maine, twelve thousand dollars.

To complete the foundation of the custom-house in Bangor, and to connect the same with the shore, fifteen thousand dollars.

For continuing the construction of the custom-house at St. Louis, one hundred and fifteen thousand dollars.

For proceeding with the construction of the custom-house at Louisville, Kentucky, eighty-seven thousand seven hundred and forty-five dollars.

For the completion of the custom-house at Cincinnati, eighty-seven thousand seven hundred and forty-five dollars.

For the purchase of land additional to the present custom-house lot at Providence, Rhode Island, sixteen thousand dollars; and for the erection of a new custom-house at said port, which shall be so constructed and arranged as to furnish a suitable room for the United States Circuit and District Courts, with the necessary offices for District Judge, Clerk, Marshal, &c., thirty-four thousand dollars: *Provided*, That the entire cost of such additional site and building shall in no event exceed the sum hereby appropriated.

For the construction of a custom-house at Wilmington, Delaware, in addition to the sum appropriated by the act of thirty-first August, eighteen hundred and fifty-two, three thousand five hundred dollars.

It is hereby provided that the limitations upon the cost of the site and building of the custom-house in Richmond, Virginia, imposed by the act of the thirty-first of August, one thousand eight hundred and fifty-two, are hereby removed and repealed.

For annual repairs and office fixtures of the custom-houses of the United States, twenty-five thousand dollars.

For the construction of a custom-house at Norfolk, Virginia, thirty thousand dollars, which, in addition to the sum heretofore prescribed as the whole amount to be expended for that purpose, shall constitute the entire cost of the purchase of the site and the completion of the building.

To equalize the salary of the collector of Chicago, and to make it equal to that of Detroit, twelve hundred and fifty dollars; and the salary of the collector of Chicago be and the same is hereby established at that sum annually. The salary of the collector of Chicago shall be, from and after the first of July, eighteen hundred and fifty-three, twelve hundred and fifty dollars.

For completing and finishing the marine hospital at Napoleon, Arkansas, four thousand dollars; and that the further time of one year be allowed for the expenditure of the money heretofore appropriated to the marine hospital at Vicksburg, Mississippi.

For annual repairs and office fixtures of the custom-houses of the United States, twenty-five thousand dollars.

For the completion of the marine hospital at Evansville, Indiana, twenty thousand dollars.

For the marine hospital at Natchez, four thousand dollars.

For continuing the construction of the marine hospital at St. Louis, Missouri, twenty thousand dollars.

Intercourse with Foreign Nations.

For salaries and outfits of ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, Peru, and Chili, one hundred and sixty-two thousand dollars.

For salary and outfit of a minister to Central America, to be accredited to such one or more of the Governments included in that name as the President of the United States may designate, ighteen thousand d ollars.

For salaries of secretaries of legation to the same places, twenty thousand dollars.

For salary of the minister resident to Turkey, six thousand dollars.

For salary of the dragoman to the legation to Turkey, two thousand five hundred dollars.

For salaries and outfits of chargés des affaires or ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, Switzerland, and Nicaragua, one hundred and fifty-three thousand dollars: *Provided*, That the ministers resident herein authorized shall not receive more compensation than is now allowed to a chargé d'affaires.

For salary of clerk to the United States legation at London, eight hundred dollars.

For the payment of Theodore S. Fay, of the difference between the salary of a secretary of legation and a chargé d'affaires, during the time, on several different occasions, he discharged the duties of the latter office at Prussia, four thousand and thirty-four dollars and seventy-three and two ninth cents, the same to be in lieu of all former appropriation; and also, if received, in full for all diplomatic services rendered in that capacity.

For compensation of Edward Kent, for one quarter's salary as chargé d'affaires at the legation at Rio de Janeiro, during the absence of the minister, and under the instructions of the Department of State, one thousand one hundred and twenty-five dollars.

To reimburse David Tod, late minister of the United States at Brazil, a sum of money advanced by him to William E. Anderson, who was sent by the minister from Rio de Janeiro to the United States in the spring of eighteen hundred and fifty-one as a witness against two persons engaged in the slave trade, seventy-five dollars.

For payment of Buckingham Smith, late secretary of legation in Mexico, the difference between his salary as secretary of legation and that of chargé d'affaires from the twenty-sixth of July, eighteen hundred and fifty-one, to the eighth of October following, during which period he discharged the duties of chargé d'affaires in Mexico, in the absence of the minister of the United States, who had returned home on leave, one thousand

seven hundred and fifty-six dollars and ninety-five cents; the same, if he received, to be in full for all charges during the period aforesaid.

For contingent expenses of all the missions abroad, forty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For expenses of intercourse with the Barbary Powers, nine thousand dollars.

For salary of the consul at London, two thousand dollars.

For salary of the commissioner to the Sandwich Islands, five thousand dollars.

For interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, and Alexandria, two thousand dollars.

For office rent of the consul at Basle, in Switzerland, one hundred dollars.

For salary and outfit of a commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, eighteen thousand dollars.

For salary of the interpreter, and secretary to said mission, two thousand five hundred dollars.

For compensation to the consuls at the five ports in China, viz: Kwang Chow, Amoy, Fuchow, Ning Po, and Shanghai, five thousand dollars.

For salary of the consul general at Alexandria, five thousand dollars.

For the relief and protection of American seamen in foreign countries, one hundred and twenty-five thousand dollars.

For clerk hire, office rent, and other expenses of the office of the consul of the United States at London, two thousand eight hundred dollars.

For salary of the consul at Beirout, five hundred dollars.

Public Lands.

For compensation for secretary to sign patents for public lands, one thousand five hundred dollars.

For salary of the recorder of land titles in Missouri, five hundred dollars.

For salaries and commissions of registers of land offices and receivers of public moneys, one hundred and forty-one thousand seven hundred dollars: *Provided*, That whenever the amount received at any United States land office, under the third section of an act entitled "An act to make land warrants assignable, and for other purposes," approved March twenty-second, eighteen hundred and fifty-two, has exceeded or shall exceed the amount which the registers and receivers at any such office are entitled to receive under said third section, the surplus which shall remain, after paying the amount so due as aforesaid to said registers and receivers, shall be paid into the Treasury of the United States as other public moneys: *And provided further*, That the President be, and he is hereby, authorized to change the location of the several land offices, and to establish the same from time to time, at such other place in the district as he may deem expedient.

For expenses of depositing public moneys by receivers of public moneys, twenty-five thousand seven hundred and eighty dollars.

For incidental expenses of the several land offices, thirty-seven thousand and forty dollars.

Surveys of the Public Lands.

For surveying the public lands, including incidental expenses and special surveys, demanding augmented rates, to be applied and apportioned to the several districts according to the exigencies of the public service, (the part to be applied to the resurveys required by the location and survey of private claims in Florida to be disbursed at a rate not exceeding five dollars per mile,) in addition to the unexpended balances of former appropriations, one hundred and fifteen thousand dollars.

For resurveys and examinations of the surveys of the public lands in those States where the offices of the surveyors general have been or shall be closed, under the acts of twelfth of June, one thousand eight hundred and forty, and twenty-third of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed on this special service in the General Land Office, the sum of fifteen thousand dollars.

For correcting defective and fraudulent surveys in the upper peninsula of Michigan, including the expenses of a field inspector of surveys, five thousand dollars.

To defray the expenses of examining and correcting old, imperfect, and defective surveys in the northern part of the lower peninsula of Michigan, three thousand dollars.

For the survey of township and section lines in Wisconsin, at a rate not exceeding five dollars per mile, twenty-five thousand dollars.

For the survey of standard, correction, township, and section lines in Minnesota, in conformity with the instructions recently issued by the Commissioner of the General Land Office for similar surveys in Oregon, at a rate not exceeding five dollars per mile, forty-five thousand dollars.

For correcting erroneous and defective lines of public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile, including office work, two thousand five hundred dollars.

For compensation of surveyors and other agents required in Illinois, Missouri, Florida, and Arkansas, to carry into effect the act of twenty-eighth September, eighteen hundred and fifty, granting swamp lands, fourteen thousand dollars.

For detached and unfinished surveys and resurveys in Arkansas, at a rate not exceeding six dollars per mile, fifteen thousand two hundred and thirty dollars.

For correction of erroneous and defective surveys in Arkansas, at a rate not exceeding four dollars per mile, six thousand two hundred and eighty-six dollars.

For surveying in Louisiana at augmented rates, including salary and expenses of surveyor, to locate private land claims, nine thousand one hundred and forty-two dollars.

For the survey of private land claims in Florida, under the act of twenty-eighth of June, eighteen hundred and forty-eight, including the work now under contract, ten thousand dollars.

For completing certain surveys in Florida, at a rate not exceeding six dollars per mile, in consequence of the peculiar difficulties attending the execution of the same, on account of swamps, lakes, marshes, &c., and for scrap work, ten thousand dollars.

For continuing the survey of the keys on the Florida coast, under the act of twenty-eighth of June, eighteen hundred and forty-eight, twenty thousand dollars.

For surveying standard, parallel, township, and section lines in Oregon, at a rate not exceeding twelve dollars per mile, nearly equal to six thousand four hundred miles, seventy-six thousand four hundred dollars.

For extending the principal meridian line in Oregon, a distance of one hundred and sixty miles, four thousand dollars.

For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, &c., two thousand two hundred and fifty dollars.

To defray the expenses incurred of a geological reconnoissance in Oregon, undertaken in the year one thousand eight hundred and fifty-one, under instructions from the Department of the Interior, and intrusted to Dr. J. Evans, eleven thousand nine hundred and eighty-four dollars and twenty-five cents.

For completing the geological reconnoissance in Oregon, five thousand dollars.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messengers, &c., eleven thousand four hundred dollars.

For continuing the survey of the islands on the coast of California, under the act of the thirty-first of August, eighteen hundred and fifty-two, thirty thousand dollars.

For surveying standard lines in California, meandering and surveying irregular and river lots, &c., amounting to two thousand miles, at a rate not exceeding fifteen dollars per mile, thirty thousand dollars.

For subdividing into townships, equal to one thousand two hundred miles of surveying, at a rate not exceeding fourteen dollars per mile, in California, sixteen thousand eight hundred dollars.

For sectioning one hundred townships, equal to six thousand miles of surveying, in California, at a rate not exceeding twelve dollars per mile, seventy-two thousand dollars.

Public Buildings.

For compensation of the Commissioner of Public Buildings, two thousand dollars.

For compensation of the clerk in the office of Commissioner of Public Buildings, one thousand dollars.

For the extension of the United States Capitol, six hundred thousand dollars.

For compensation, in part, of the messenger in charge of the main furnace in the Capitol, three hundred and fifty dollars.

For compensation of the laborer in charge of the water-closets in the Capitol, three hundred and sixty-five dollars.

For compensation of the public gardener, one thousand two hundred dollars; and the management of the grounds attached to the Capitol, and surrounding the Executive Mansion, shall be under his control, subject only to the supervision and control of the Secretary of the Interior.

For compensation of sixteen laborers employed in the public grounds and President's garden, at the rate of forty dollars per month each, seven thousand six hundred and eighty dollars.

To supply a deficiency for the purchase of trees and the hire of laborers on the improvements of reservation number two, or public mall, between Seventh and Twelfth streets west, five thousand two hundred and seventy-six dollars and fifty-two cents.

For compensation of the keeper of the western gate of the Capitol square, seven hundred and thirty dollars.

For compensation of two day watchmen, employed in the Capitol square, at five hundred dollars each, one thousand.

For compensation of the doorkeeper at the President's House, at five hundred dollars, and of assistant doorkeeper at the same, at three hundred and sixty-five dollars per annum, eight hundred and sixty-five dollars.

For compensation of two night watchmen at the President's House, one thousand dollars.

For a bridge across the Potomac at Little Falls, to be expended under the direction of the President of the United States, thirty thousand dollars.

To be expended under the direction of the President of the United States for the purpose of bringing water into the city of Washington, upon such plans and from such places as he may approve, one hundred thousand dollars: *Provided*, That if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of Maryland, the assent of the Legislature of that State should first be obtained.

For compensation of two drawkeepers and a watchman at the Potomac bridge, and for fuel and oil for lamps, one thousand eight hundred dollars; and for repairing the Long Bridge across the Potomac river, twenty thousand dollars.

For compensation of two drawkeepers at the two bridges across the Eastern Branch of the Potomac, and for fuel and oil for lamps, one thousand dollars.

For compensation of auxiliary guard, and for fuel and oil for lamps, sixteen thousand four hundred dollars; and each of the auxiliary guard shall hereafter receive the same annual compensation, to wit: five hundred dollars per annum.

For the support, care, and medical treatment, in the Washington Infirmary, of twelve transient paupers, medical and surgical patients, two thousand dollars.

For the purchase of manure for the public grounds, one thousand dollars.

For cart hire on the public grounds, one thousand dollars.

For the purchase and repair of tools upon the public grounds, five hundred dollars.

For the purchase of trees and tree-boxes to replace, when necessary, such as have been planted by the United States, and for repairs of pavements in front of the public grounds, two thousand three hundred dollars: *Provided*, That no more alanthus trees be purchased or planted.

For annual repairs of the Capitol, water-closets,

public stables, water pipes, pavements, and other walks within and around the Capitol square, painting the interior of all the committee-rooms, cleaning out and paving the vaults under the crypt, extending gas-pipes through the vaults, cleaning and white-washing the ceiling of the rotundo, replacing broken glass, locks, &c., six thousand eight hundred dollars.

For annual repairs of the President's House, furniture, improvement of grounds, painting and repairing roof; cleaning, painting, and white-washing inside of the house; extending east wing of offices for carriage-house, blinds for the west front of the house, flooring large room in basement, purchasing trees and plants for garden, and for making hot-beds therein, wire fence, &c., six thousand two hundred and fifty dollars.

For refurnishing the President's house, to be expended under the direction of the President, in addition to the proceeds of the sale of such of the furniture and equipage of the said house as may be decayed, out of repair, or unfit for use, the sum of twenty-five thousand dollars.

For painting the exterior of the President's house below the cornice, one thousand and fifty dollars.

For heating and ventilating the Executive mansion, painting the exterior thereof, and painting the walls, ceilings, &c., of the rooms on the first floor, and making other improvements and repairs, and for the purchase of books for the President's library, twenty-nine thousand five hundred dollars.

For erecting lamp posts and lamps on both sides of Pennsylvania avenue, from Seventeenth street to Georgetown, and from the Capitol to the Navy Yard, three thousand seven hundred dollars.

For completing the grading and paving the carriage-way of Pennsylvania avenue, from Seventeenth street to Rock creek, and for setting the curbstone and paving the footway six feet wide on each side of said avenue, in addition to the sum heretofore appropriated for that object, fourteen thousand seven hundred dollars: *Provided*, That the sum required for paving said footway shall not be expended unless the owners of property opposite thereto be required, under the direction of the authorities of the city of Washington, to pave at least ten feet in width of the space allotted for a sidewalk, in continuation and adjoining the same.

For inclosing with an iron fence and otherwise improving the triangular space on the north side of Pennsylvania avenue, opposite the market house, and between Seventh and Eighth streets, four thousand five hundred dollars.

For a deficiency for surveying, leveling, and measuring the triangular square on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets, forty-two dollars.

For supplying a deficiency in the appropriation made March third, eighteen hundred and forty-nine, for completing the room under the Senate post office, four hundred and fifty-one dollars and thirty-one cents.

For lighting the Capitol and President's house, the public grounds around them and around the executive offices, and Pennsylvania avenue, twenty-two thousand dollars.

Towards the erection of the west wing of the Patent Office building, two hundred thousand dollars.

For completing the repairs of the two bridges across the Eastern Branch, four thousand dollars.

Miscellaneous.

For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California, seventy-five thousand dollars; and that the proviso to the appropriation for this object contained in the act approved thirty-first of August, one thousand eight hundred and fifty-two, shall not be so construed as to reduce the salary of the secretary of said commission as fixed by the second section of the above-recited act: *And provided further*, That out of said sum herein appropriated there shall be paid to each commissioner appointed under the act of the third of March, one thousand eight hundred and fifty-one, the sum of eight thousand dollars, in lieu of the compensation heretofore allowed.

For annuities and grants, seven hundred and fifty dollars.

For expenses of loans and treasury notes, twenty thousand dollars.

For pensions to widows and orphans under the act entitled "An act to continue half pay to certain widows and orphans," approved February third, eighteen hundred and fifty-three, one hundred and seventy-four thousand dollars.

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement of the Treasury, five thousand dollars: *Provided*, That no part of the appropriation shall be drawn from the Treasury except in pursuance of some law or resolution of Congress authorizing the expenditure.

To enable the Clerk of the House of Representatives to furnish, pay for, and deliver the same books to the Delegates from Oregon, New Mexico, and Utah, for the Thirty-second Congress, as per resolution of the said House, passed twenty-sixth July, eighteen hundred and fifty-two, two thousand seven hundred dollars.

To pay to J. T. Mudd for services in the office of Commissioner of Public Buildings, from the day of the death of the late Commissioner to the appointment of the present incumbent, sixty-five dollars.

For compensation of the warden, clerk, physician, chaplain, two assistant keepers, four guards, and porter, of the penitentiary of the District of Columbia, seven thousand three hundred and fifty dollars.

For compensation of three inspectors of said penitentiary, three hundred dollars.

For the support and maintenance of said penitentiary, one thousand two hundred and forty dollars.

For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper, ten thousand dollars.

For the purchase of two hundred and fifty copies of the Statutes at Large of the United States, and of the Synoptical Index thereto, at the contract price paid by Congress, to be distributed, under the direction of the Department of State, among the several consulates and commercial agents, eight thousand seven hundred and fifty dollars.

For the collection of agricultural statistics, and purchase of seeds, to be paid out of the patent fund, five thousand dollars.

For salaries of nine supervising and fifty local inspectors, appointed under the act approved August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, seventy thousand dollars.

For paper required for the printing of Congress for the first session of the Thirty-third Congress, one hundred and four thousand and sixty-four dollars.

For paper required for the printing of the executive departments, ten thousand three hundred dollars.

For the printing of the Senate for the first session of the Thirty-third Congress, thirty-seven thousand four hundred and sixty-three dollars.

For the printing of the House of Representatives for the first session of the Thirty-third Congress, fifty-six thousand one hundred and ninety-four dollars.

For the printing of the Executive departments, including for paper and printing the annual estimates, and for paper, printing, binding the Biennial Register, and the annual report of the Secretary of the Treasury on commerce and navigation, twenty-two thousand two hundred and eighty-nine dollars and four cents.

For compensation to the Superintendent of Public Printing, and the two clerks and messenger in his office, six thousand five hundred and ninety-five dollars.

For blank books, advertising for proposals for paper, postage, &c., one thousand one hundred and two dollars.

For compensation of the librarian of the Patent Office, to be paid out of the patent fund, one thousand two hundred dollars.

For the purchase of books for the library of the Patent Office, to be paid out of the patent fund, one thousand five hundred dollars.

Mexican Boundary Commission.

For completing the survey of the Rio Grande, and for office work for one year, eighty-three thousand five hundred and twelve dollars.

For arrears due Major William H. Emory's party, twenty thousand dollars.

For expenses attending Lieutenant Whipple's party from the Gila, six thousand dollars.

For pay of commissioner and secretary, and for personal and traveling expenses of the commissioner, nine thousand five hundred dollars.

And that the period limited for the appointment of commissioner, surveyor, and chief astronomer, by the act of May fifteenth, eighteen hundred and fifty, shall be, and the same is hereby, extended to the first of April, eighteen hundred and fifty-four.

For carrying into effect the provisions of this act establishing an assay office in the city of New York, in addition to the charges therein authorized to be received, one hundred thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and that there be paid to James B. Smallwood and Martin La Truite, boys attending upon the mail wagons of the Senate, the sum of one hundred and forty-six dollars each, being twenty per cent. in addition to their pay for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.

SEC. 2. *And be it further enacted*, That the salary of the Superintendent of the Coast Survey shall be six thousand dollars per annum; and it shall be the duty of the Secretary of the Treasury annually to report to Congress, during the first month of each regular session, the number and names of the persons employed during the last preceding fiscal year upon the coast survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and further, to report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

SEC. 3. *And be it further enacted*, That from and after the thirtieth of June, eighteen hundred and fifty-three, the clerks in the Departments of the Treasury, War, Navy, the Interior, and the Post Office, shall be arranged into four classes, of which class number one shall receive an annual salary of nine hundred dollars each, class number two an annual salary of one thousand two hundred dollars each, class number three an annual salary of one thousand five hundred dollars each, and class number four an annual salary of one thousand eight hundred dollars each.

In the office of the Secretary of the Treasury, four of class one, six of class two, six of class three, and five of class four.

In the office of the Solicitor, one of class one, two of class two, three of class three, and one of class four.

In the office of the First Comptroller, two of class one, five of class two, and seven of class three.

In the office of the Second Comptroller, three of class one, four of class two, and seven of class three.

In the office of the First Auditor, three of class one, six of class two, and nine of class three.

In the office of the Second Auditor, two of class one, six of class two, and eleven of class three.

In the office of the Third Auditor, three of class one, forty-one of class two, and eight of class three.

In the office of the Fourth Auditor, one of class one, four of class two, and nine of class three.

In the office of the Fifth Auditor, two of class one, three of class two, and two of class three.

In the office of the Auditor of the Treasury for the Post Office Department, twenty of class one, fifty of class two, twenty-six of class three, and five of class four.

In the office of the Register, five of class one, eighteen of class two, and four of class three.

In the office of the Commissioner of Customs, three of class one, four of class two, and three of class three.

In the office of the Treasurer, two of class one, five of class two, and five of class three.

And in the office of the Light-House Board one of class one, one of class two, and two of class three.

In the office of the Secretary of War, one of class one, two of class two, two of class three, and one of class four.

In the office of the General-in-Chief, one of class two.

In the office of the Adjutant General, two of class one, five of class two, one of class three, and one of class four.

In the office of the Quartermaster General, three of class one, five of class two, two of class three, and one of class four.

In the office of the Paymaster General, two of class one, three of class two, two of class three, and one of class four.

In the office of the Commissary General, two of class one, two of class two, one of class three, and one of class four.

In the office of the Surgeon General, one of class one, one of class two, and one of class four.

In the office of the Colonel of Engineers, one of class one, two of class two, one of class three, and one of class four.

In the office of the Colonel of Topographical Engineers, one of class one, two of class two, one of class three, and one of class four.

And in the office of the Colonel of Ordnance, two of class one, four of class two, one of class three, and one of class four.

In the office of the Secretary of the Navy, four of class two, six of class three, and one of class four.

In the Bureau of Construction, Equipment, and Repairs, one of class one, seven (including the draughtsman) of class two, and one of class four.

In the Bureau of Yards and Docks, one of class one, four (including the draughtsman) of class two, and one of class four.

In the Bureau of Provisions and Clothing, four of class two, and one of class four.

In the Bureau of Ordnance and Hydrography, four (including the draughtsman) of class two, and one of class four.

And in the Bureau of Medicine and Surgery, two of class two, and one (the assistant) of class four.

In the office of the Secretary of the Interior, four of class two, three of class three, and three of class four.

In the office of the Commissioner of Pensions, ten of class one, thirty of class two, five of class three, and four of class four.

In the office of the Commissioner of the General Land Office, forty of class one, forty of class two, twenty-three of class three, and three of class four.

In the office of the Commissioner of Indian Affairs, six of class two, six of class three, and three of class four.

And in the office of the Commissioner of Patents, eight of class two, twelve (including the six assistant examiners) of class three, and one of class four.

In the office of the Postmaster General, ten of class one, thirty-three of class two, twenty-nine of class three, and six (including the topographer) of class four.

And there shall be a chief clerk for each of the offices of the Solicitor, First Comptroller, Second Comptroller, First Auditor, Second Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, Auditor of the Treasury for the Post Office Department, Register, Commissioner of Customs, Treasurer, Light-House Board, Commissioner of Pensions, Commissioner of the General Land Office, Commissioner of Indian Affairs, and Commissioner of Patents, who shall be allowed an annual compensation of two thousand dollars each; and there shall be a chief clerk for each of the Departments of the Treasury, War, Navy, Interior, and General Post Office, who shall be allowed an annual compensation of two thousand two hundred dollars each.

No clerk shall be appointed in either of the four classes until after he has been examined and found qualified by a board, to consist of three examiners, one of them to be the chief of the bureau or office into which he is to be appointed, and the two others to be selected by the head of the Department to which the said clerk will be assigned. Nor shall any clerk in the Departments herein named receive any other salary or money for extra services than the sum or sums specified in this section, at any time after this section has been executed by a classification of the clerks as it prescribes. There shall be a disbursing clerk for each of the Departments of War, Navy, and the Post Office; not more than three for the Treasury Department, at the discretion of the Secretary thereof; and not more than three for the Department of the Interior, at the discretion of the Secretary thereof. The said clerks to be appointed out of class four by the heads of the respective Departments, and to receive such sum in addition to their regular salaries as may amount in all to two thousand dollars per annum. But it shall be their further duty, when designated by the head of the Department for that service, to superintend the buildings, and they shall give bonds as required by the Independent Treasury act: *Provided*, That the clerks when distributed and arranged as required by this section, shall be paid according to its provisions, out of any money in the Treasury not otherwise appropriated, and shall constitute the whole of the permanent clerical force of the Departments of the Treasury, War, Navy, the Interior, and the Post Office, with the exception of the Census Bureau, which is not included in this arrangement, and the clerks temporarily employed in the office of the Third Auditor on bounty land service, and on arrearages of pay: *And provided further*, That each head of the said Departments may alter the distribution herein made of the clerks amongst the various bureaus and offices in his departments, if he should find it necessary and proper to do so.

SEC. 4. *And be it further enacted*, That hereafter the annual compensation of the Vice President, Secretaries of State, Treasury, War, Navy, and Interior, and the Postmaster and Attorney General, shall be eight thousand dollars each.

SEC. 5. *And be it further enacted*, That when private establishments shall be made to refine gold bullion, the Secretary of the Treasury, if he shall deem them capable of executing such work, is hereby authorized and required to limit the amount thereof, which shall be refined in the mint at Philadelphia, from quarter to quarter, and to reduce the same progressively as such establishments shall be expanded or multiplied, so as eventually, and as soon as may be, to exclude refining from the mint, and to require that every deposit of gold bullion made therein for coinage shall be adapted to said purpose, without need of refining: *Provided*, That no advances in coin shall be made upon bullion after this regulation shall be carried into effect, except upon bullion refined as herein prescribed.

SEC. 6. *And be it further enacted*, That an officer shall be appointed in the Department of State, to be called the Assistant Secretary of State, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of State, who shall perform all such duties in the office of Secretary of State belonging to that Department, as shall be prescribed by the Secretary of State, or as may be required by law.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and required to cancel any outstanding debenture bonds given previously to the first day of July, eighteen hundred and fifty, upon the importation of foreign coals: *Provided*, That the said coals have been exported to a foreign port or consumed upon the outward voyage, and shall not have been consumed in the United States.

SEC. 8. *And be it further enacted*, That the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and forty-seven, and for other purposes," approved August tenth, eighteen hundred and forty-six, be, and the same is hereby, revived and continued in force for the fiscal year ending the thirtieth June, eighteen hundred and fifty-four.

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to purchase at the current market price any of the outstanding stocks of the United States as he may think most advisable, from any surplus funds in the Treasury: *Provided*, That the balance in the Treasury shall not at any time be reduced below six millions of dollars.

SEC. 10. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and required to establish in the city of New York an office for the receipt and for the melting, refining, parting, and assaying of gold and silver bullion and foreign coin, and for casting the same into bars, ingots, or disks. The assistant treasurer of the United States in New York shall be treasurer of the said assay office, and the Secretary of the Treasury shall, with the approbation and consent of the President of the United States, appoint such other officers and clerks, and authorize the employment of such assistants, workmen, and servants as shall be necessary for the proper conduct and management of the said office and of the business pertaining thereto, at such compensation as shall be approved by the President: *Provided*, That the same shall not exceed that allowed for corresponding services under existing laws relating to the Mint of the United States and its branches.

SEC. 11. *And be it further enacted*, That the owner or owners of any gold or silver bullion, in dust or otherwise, or of any foreign coin, shall be entitled to deposit the same in the said office, and the treasurer thereof shall give the receipt, stating the weight and description thereof in the manner and under the regulations that are or may be provided in like cases or deposits at the Mint of the United States with the treasurer thereof. And such bullion shall, without delay, be melted, parted, refined, and assayed, and the net value thereof, and of all foreign coins deposited in said office, shall be ascertained; and the treasurer shall thereupon forthwith issue his certificate of the net value thereof, payable in coins of the same metal as that deposited, either at the office of the assistant treasurer of the United States, in New York, or at the Mint of the United States, at the option of the depositor, to be expressed in the certificate, which certificates shall be receivable at any time within sixty days from the date thereof in payment of all debts due the United States at the port of New York for the full sum therein certified. All gold or silver bullion and foreign coin deposited, melted, parted, refined, or assayed, as aforesaid, shall, at the option of the depositor, be cast in the said office into bars, ingots, or disks, either of pure metal or of standard fineness, (as the owner may prefer,) with a stamp thereon of such form and device as shall be prescribed by the Secretary of the Treasury, accurately designating its weight and fineness: *Provided*, That no ingot, bar, or disk shall be cast of less weight than five ounces, unless the same be of standard fineness, and of either one, two, or three ounces in weight. And all gold or silver bullion and foreign coin intended by the depositor to be converted into the coins of the United States, shall, as soon as assayed and its net value certified as above provided, be transferred to the Mint of the United States, under such directions as shall be made by the Secretary of the Treasury, and at the expense of the contingent fund of the Mint, and shall then be coined. And the Secretary of the Treasury is hereby authorized, with the approval of the President of the United States, to make the necessary regulations for the adjustment of the accounts between the respective officers, upon the transfer of any bullion or coin between the assay office, the Mint, and assistant treasurer of New York.

SEC. 12. *And be it further enacted*, That the operations of melting, parting, refining, and assaying in the said office shall be under the general directions of the director of the Mint, in subordination to the Secretary of the Treasury; and it shall be the duty of the said director to prescribe such regulations and to order such tests as shall be requisite to insure faithfulness, accuracy, and uniformity in the operations of the said office.

SEC. 13. *And be it further enacted*, That the laws of the United States for the government of the Mint and its officers in relation to the receipt, payment, custody of deposits, and settlement of accounts, the duties and responsibilities of officers and others employed therein, the oath to be taken, and the bond and sureties to be given by them (as far as the same may be applicable) shall extend to the assay office hereby established, and to its officers, assistants, clerks, workmen, and others employed therein.

SEC. 14. *And be it further enacted*, That the same charges shall be made and demanded at the said assay office for refining, parting, casting into

bars, ingots, or disks, and for alloy, as ore, or shall be made and demanded at the Mint; and no other charges shall be made to depositors than by law are authorized to be made at the Mint; and the amount received from the charges hereby authorized shall be accounted for and appropriated for defraying the contingent expenses of the said office.

SEC. 15. *And be it further enacted*, That the Secretary of the Treasury is authorized to procure, by rent, lease, or otherwise, a building or apartments in the city of New York suitable for the operations of said office, unless he shall be of opinion that suitable apartments in the custom-house of that city may be assigned for that purpose. And he is also hereby authorized and directed to procure the necessary machinery and implements for carrying on the operations and business of the said office.

SEC. 16. *And be it further enacted*, That the salary of assistant treasurer of the United States in New York, from and after the time that the said office shall be opened and in operation, shall be six thousand dollars per annum, instead of the sum now allowed.

SEC. 17. *And be it further enacted*, That under the act for the benefit of Amos Proctor, approved the seventeenth day of June, one thousand eight hundred and forty-four, the legal representatives of said Proctor are entitled to one half of one moiety, being one fourth of the appraised value of the goods therein mentioned, as having been seized and libeled on his information.

SEC. 18. *And be it further enacted*, That there be placed at the disposal of the President of the United States the sum of twenty thousand dollars, to enable him to compensate Clark Mills for the execution of the equestrian statue of Andrew Jackson, recently placed upon the public square in the city of Washington, north of the Executive Mansion, and to make the same the property of the United States, and that said sum be paid under the direction of the President out of any money in the Treasury not otherwise appropriated, when a clear and satisfactory title to said statue shall be vested in the United States: *Provided*, That the sum of ten thousand dollars thereof be invested for the family of said Mills, and after his death to be given to such children of said Mills as may survive him.

SEC. 19. *And be it further enacted*, That whenever the land office at Pontotoc, Mississippi, shall be discontinued, the records and files thereof shall be placed in the possession of the clerk of the United States district court for the northern district of Mississippi, who is hereby made keeper of the same, and authorized to perform all the duties now conferred upon the register and receiver, and shall receive for his services therefor a sum not exceeding five hundred dollars per annum.

SEC. 20. *And be it further enacted*, That in settling the accounts of Daniel S. McCauley, late consul general at Alexandria, in Egypt, there shall be allowed for office rent at the rate of four hundred dollars per annum, during the time he acted in that capacity, to be paid to his widow.

For salaries of governor and superintendent of Indian affairs, three judges, attorney, and marshal of Washington Territory, from the time of their appointment to the end of the fiscal year terminating June thirtieth, eighteen hundred and fifty-four, an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

For compensation and mileage of the members of Legislative Assembly, officers, clerk, and contingent expenses of the Assembly, and to defray the expenses of taking the census of said Territory, the sum of twenty thousand dollars, to be paid out of any money not otherwise appropriated.

For the contingent expenses of the Territory, including the salary of a clerk of the executive department, fifteen hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

PUBLIC, XXXVI.—*An Act making Appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For the pay of the army, one million eight hundred and fourteen thousand seven hundred and fifty-nine dollars: *Provided*, That the salary of the military storekeepers of the Ordnance Department in Oregon, California, and New Mexico, shall hereafter be one thousand two hundred and fifty dollars per annum.

For the remounting of the four companies of light artillery, authorized by the act of March third, eighteen hundred and forty-seven, eighteen thousand five hundred dollars: *Provided*, That the same be expended at the discretion and by direction of the President of the United States.

For the defense of San Francisco, California, five hundred thousand dollars.

For continuing the defenses at the following forts, viz:

Florida.—Fort Jefferson, at Gardon Keys, or Tortugas Islands, one hundred thousand dollars.

Fort Taylor, Key West, seventy-five thousand dollars.

Georgia.—Fort Pulaski, including barracks and quarters, twenty thousand dollars.

South Carolina.—Fort Sumter, Charleston harbor, one hundred and ten thousand dollars.

Maryland.—Fort Carroll, Sollers's Point, Baltimore harbor, fifty thousand dollars.

Delaware.—Fort Delaware, Pea Patch Island, Delaware river, one hundred and fifty thousand dollars.

Maine.—Fort Knox, Penobscot river, fifty-five thousand dollars.

Massachusetts.—Fort Warren, Boston harbor, forty-five thousand dollars.

Fort Winthrop, Governor's Island, Boston, twenty-nine thousand five hundred and seventy-three dollars.

For commutation of officers' subsistence, six hundred and fifteen thousand eight hundred and forty-seven dollars.

For commutation of forage for officers' horses, one hundred and four thousand nine hundred and twenty-eight dollars.

For payments in lieu of clothing for officers' servants, thirty-six thousand three hundred and twenty dollars.

For expense of recruiting, forty-three thousand two hundred dollars.

For three months' extra pay for non-commissioned officers, musicians, and privates, on reënlistment, ten thousand dollars.

For subsistence in kind, one million and twenty-eight thousand four hundred and ninety-seven dollars

For clothing for the army, camp and garrison equipage, and horse equipments, three hundred and fifty-two thousand one hundred and forty-three dollars and fifty-six cents.

For the regular supplies of the quartermaster's department, consisting of fuel, forage in kind for the horses, mules, and oxen of the quartermaster's department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding, and of stationery, including company and other blank books for the army, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and department orders, army regulations, and reports, one million and fifty thousand dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals; the construction of roads and other constant labor, for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including hire of interpreters, spies, and guides for the army; compensation of clerk to officers of the quartermaster's department; compensation of forage and wagon-masters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons, and medicines for horses and mules, three hundred thousand dollars.

For constructing, repairing, and enlarging barracks, quarters, hospitals, storehouses, stables, wharves, and ways at the several posts and army depôts; for temporary cantonments, and the authorized furniture for barrack-rooms of non-commissioned officers and soldiers; gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for rent of quarters and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation; for storehouses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments, three hundred thousand dollars.

For erecting barracks and quarters at the Republican Fork of the Kansas river, sixty-five thousand dollars.

For erecting barracks and quarters for a military post on Minnesota river, forty thousand dollars.

For mileage or allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops, one hundred and twenty thousand dollars.

For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depôt at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small-arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and army depôts; freights, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other seagoing vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance, one million five hundred thousand dollars.

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, one hundred and eighty thousand dollars.

For the medical and hospital departments, fifty-two thousand dollars.

For cannon, gun-carriages, and projectiles for sea-coast defense, two hundred thousand dollars.

For ordnance, ordnance stores, and supplies, one hundred thousand dollars.

For the current expenses of the ordnance service, one hundred thousand dollars.

For the manufacture of arms at the national armories, two hundred and fifty thousand dollars.

To make good damages at Harper's Ferry, caused by the flood of nineteenth and twentieth of

April, eighteen hundred and fifty-two, twenty thousand dollars.

For repairs and improvements and new machinery at Harper's Ferry, forty-three thousand five hundred dollars.

For repairs and improvements and new machinery at Springfield armory, forty-six thousand and ninety-four dollars: *Provided*, That, from and after the first day of July next, the act of Congress approved August twenty-third, eighteen hundred and forty-two, be so modified that the President may, if in his opinion the public interest demands it, place over any of the armories a superintendent who does not belong to the army; and in order to enable him to decide to his satisfaction, is hereby authorized to cause the necessary and proper inquiries to be instituted, through the medium of a commission of civilians and military men, with a view of ascertaining which of the two systems is the more economical, efficient, and safe for the management of the public armories, that formerly existing under the superintendence of civil officers, or that now existing under the superintendence of officers of the ordnance department.

For arsenals, forty-one thousand and seventy-one dollars; and that the Secretary of War be and is hereby authorized to abolish such of the arsenals of the United States as in his judgment may be useless or unnecessary.

For arrearages prior to July first, eighteen hundred and fifteen, payable through the office of the Third Auditor, under an act approved May first, eighteen hundred and twenty, in addition to an unexpended balance of seven thousand four hundred and twenty-six dollars remaining in the treasury on the thirtieth of September, one thousand eight hundred and fifty-two, three thousand five hundred dollars.

For arrearages of pay, subsistence, and clothing due to Captain Richard McRae's company of Virginia volunteers, which served in the war with Great Britain in eighteen hundred and twelve and thirteen, the sum of ten thousand three hundred and thirty-four dollars and thirty-one cents; to be paid out to the officers and soldiers of said company, or their legal representatives, under the order of the Secretary of War, upon the production of such proofs as satisfies him as to the identity of said officers and soldiers, and that they have not been paid.

For bridges and establishing communications between Fort Leavenworth and the Republican Fork of the Kansas river, eleven thousand seven hundred and twenty-five dollars.

For fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer made by the quartermaster department, four thousand and fifty-three dollars and eighty-seven cents.

For fuel and quarters, and for mileage or transportation for officers and enlisted men of the Army serving on the coast survey in cases no longer provided for by the quartermaster department, ten thousand dollars: *Provided*, That the annual coast survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by the general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the gulf-stream, and showing, by lines, the probable limit to which the soundings of the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts of which complete charts have been published by the coast survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published; and also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department be and they are hereby authorized to adjust and settle the claims of the State of Florida for the services of her troops under the act of February twenty-seventh, eighteen hundred and fifty-one, by the provisions stated for the settlement of the claims of the State of Georgia for like services, as prescribed by the act approved thirty-first of August, eighteen hundred and fifty-two, entitled "An act making appropriations for the support of the army for the year ending thirtieth of June, eighteen hundred and fifty-three;" and that the Secretary of War be authorized to distribute the arms provided for by the act of Congress of eighteen hundred and eight to the State of Iowa according to her representation in Congress.

SEC. 3. *And be it further enacted*, That the Secretary of War be directed to report to Congress whether, in his opinion, it would not be more economical, proper, and advisable to cause all the arms of the United States to be made by contract.

SEC. 4. *And be it further enacted*, That such portion of the sum of seventy-five thousand dollars appropriated for the discharge of claims for preventing and suppressing Indian hostilities in Florida by the act of twenty-seventh February, eighteen hundred and fifty-one, as shall remain unexpended on the thirtieth of June, eighteen hundred and fifty-three, is hereby reappropriated for that purpose.

SEC. 5. *And be it further enacted*, That the provisions of the seventh section of the act approved August thirty-first, eighteen hundred and fifty-two, entitled "An act making appropriations for the support of the army for the year ending the thirtieth day of June, one thousand eight hundred and fifty-three," shall be construed to extend to all persons who are engaged as receivers of military contributions in Mexico or California, during the war with Mexico.

SEC. 6. *And be it further enacted*, That the provisions of the first section of the act entitled "An act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-one," approved September twenty-eight, eighteen hundred and fifty, granting extra pay to the officers and enlisted men of the army serving in Oregon and California, be extended to the officers and men of two companies of regiment of mounted riflemen that garrisoned the post of Fort Laramie, Oregon route, during the time they occupied said post; and the amount which may be found due them under this act shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 7. *And be it further enacted*, That the Secretary of War cause to be paid out of any money in the Treasury not otherwise appropriated, to Richard B. Lee, late commissary of the Pacific division of the army, the sum of eleven hundred and seventy-five dollars, with interest from the ninth of June, eighteen hundred and fifty, being for money lost in being transported from Honolulu to San Francisco, under his charge, and for which he has accounted to the Department, and which sum includes the expenses incurred in efforts to recover the same.

SEC. 8. *And be it further enacted*, That for the settlement of the remaining unpaid claims of the States of Georgia and Alabama, for advances made in suppressing Indian hostilities, the Secretary of the Treasury pay to the State of Georgia her claims now remaining unpaid for moneys paid by the State in suppressing hostilities of the Cherokee, Creek, and Seminole Indians, in the year eighteen hundred and thirty-five, and since, upon proof that the same was paid by the State; and that the provisions of the act of Congress relative to the settlement of the claims of Georgia for military services, approved March third, eighteen hundred and fifty-one, be extended to the payments to be made under this act. And that the Secretary of the Treasury pay to the State of Alabama, under the provisions of the acts of Congress of sixteenth August, eighteen hundred and forty-two, and the twenty-sixth January, eighteen hundred and forty-nine, the balance due the said State growing out of the Creek Indian hostilities of eighteen hundred and thirty-six and eighteen hundred and thirty-seven: *Provided*, Proof is made that said State advanced in good faith the amount claimed.

SEC. 9. *And be it further enacted*, That whenever any lieutenant of the corps of engineers, corps of topographical engineers, or ordnance corps, shall have served fourteen years continuous service as lieutenant, he shall be promoted to the rank of a captain: *Provided*, That the whole number of officers in either of said corps shall not be increased beyond the number now fixed by law: *And provided further*, That no officer shall be promoted before those who rank him in his corps.

SEC. 10. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to employ such portion of the corps of topographical engineers, and such other persons as he may deem necessary, to make such explorations and surveys as he may deem advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean, and that the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of such explorations and surveys.

SEC. 11. *And be it further enacted*, That the engineers and other persons employed in said explorations and surveys shall be organized in as many distinct corps as there are routes to be surveyed, and their several reports shall be laid before Congress on or before the first Monday in February, eighteen hundred and fifty-four.

SEC. 12. *And be it further enacted*, That in the adjustment of the account of the State of Virginia, under the twelfth section of the act approved thirty-first August, eighteen hundred and fifty-two, the Secretary of War be, and he is hereby, directed to follow the provisions of the act of second of June, eighteen hundred and forty-eight, providing for the refunding to the several States the amounts expended by them in raising regiments of volunteers for the Mexican war.

SEC. 13. *And be further enacted*, That the lot of land in the town of New Castle, in the State of Delaware, upon which an arsenal has been erected, and the said arsenal be, and the same are hereby, reconveyed and granted to the trustees of the said town and their successors.

SEC. 14. *And be it further enacted*, That for the purpose of enabling the commissioners of the military asylum to purchase a suitable site with the view of establishing thereat a Western military asylum, the sum of ten thousand dollars, in addition to the sum in the hands of the commissioners, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

PUBLIC, XXXVII.—*An Act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and they are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the navy, two million eight hundred and eighty thousand one hundred and forty-eight dollars: *Provided*, That the salary of the assistant observer or astronomer at the National Observatory shall be two thousand dollars, and the salary of the principal clerk at said observatory shall be twelve hundred dollars.

And the pay of a purser when attached to and doing duty at the naval station of California shall be four thousand dollars per annum, and he shall be allowed a clerk at a compensation not exceeding two thousand dollars per annum. And the proper accounting officers of the Treasury be and they are hereby authorized and directed to allow and pay, out of any money in the Treasury not otherwise appropriated, to the officers, petty officers, and seamen of the United States navy, to the officers, non-commissioned officers, musicians, and privates of the marine corps, and to the officers and men of the revenue service who served in the Pacific ocean, on the coast of California, and Mexico, during the late war with Mexico, and since the conclusion of the war up to the twenty-eighth of September, eighteen hundred and fifty, the same additional compensation as has been by law directed to be paid to the officers and soldiers of the army who served in California; and that this provision allowing extra pay, as well as that contained in the navy appropriation act of August

thirty-first, eighteen hundred and fifty-two, shall extend to and include all naval storekeepers who were stationed on the Pacific coast; and the additional compensation authorized by the foregoing provision, and by the navy appropriation act of eighteen hundred and fifty-two, shall be paid to the legal representatives of all deceased persons who would have been entitled to receive the same if living.

And there shall be allowed to Lieutenants William Lewis Herndon and Lardner Gibbon, officers of the United States Navy, who were engaged upon the exploration of the Amazon, the same pay as has been allowed to the superintendent of the naval astronomical expedition in Chili, by the act making appropriations for the naval service, approved March third, eighteen hundred and fifty-one, during the period of their service as aforesaid, which period shall be reckoned from the date on which each officer left the United States until the final return of the exploring party.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, one hundred and eight thousand six hundred and fifty dollars. And the first and second clerks to the commandants of the principal navy-yards, viz: Boston, New York, Washington, Norfolk, and Pensacola, shall receive the same pay that the two lowest classes of clerks in the bureaus of the Navy Department now receive respectively; and each clerk of the yard in said navy-yards shall receive the same compensation as is herein provided for the first clerks to commandants.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, six hundred and eighty thousand two hundred dollars.

For the completion of a scientific investigation and experiments upon the character of alimentary substances, used as subsistence in the navy, and means to prevent their deterioration, five thousand dollars, to be expended under the direction of the Secretary of the Navy.

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the marine corps, thirty-seven thousand three hundred dollars.

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, one million nine hundred and forty-one thousand four hundred and fifty dollars.

For ordnance and ordnance stores and small arms, including incidental expenses, two hundred thousand dollars.

For preparing for publication the American Nautical Almanac, nineteen thousand four hundred dollars.

For purchase of nautical instruments required for the use of the navy, for repairs of the same, and also of astronomical instruments, eleven thousand dollars.

For the purchase of nautical books, maps, and charts, and for backing and binding the same, twelve thousand five hundred dollars.

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations, five thousand five hundred dollars.

For models, drawing and copying, postage, stationery, freight, and transportation; for pay of lithographer and for working lithographic press, including chemicals; for keeping grounds and buildings in order; for fuel and lights; for repairs of buildings, and for all other contingent expenses of the Hydrographical Office and United States Observatory, seven thousand two hundred and forty dollars.

For continuing the publication of the wind and current charts, and for defraying all the expenses connected therewith, ten thousand dollars.

For pipes for carrying gas to and fixtures for lighting with it the National Observatory, twenty-five hundred dollars.

For the wages of persons employed at the Observatory and Hydrographical Office, viz: one lithographer, one instrument maker, two watchmen and one porter, three thousand one hundred and sixty dollars.

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawing, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses attending courts-martial and courts of inquiry and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of the United States navy in foreign ports, five hundred and twenty-seven thousand eight hundred and forty dollars.

For improvement and repair of buildings and grounds and support of the Naval Academy at Annapolis, Maryland, forty-six thousand and fifty-nine dollars.

For purchase of land, extending walls, making new roads and wharf, building and furnishing hospital, and changing the fronts of houses, at the Naval Academy at Annapolis, Maryland, thirty-eight thousand dollars.

For meteorological observations, to be conducted under the direction of the Secretary of the Navy, two thousand dollars. And the Secretary of the Navy is hereby authorized to settle all existing controversies as to the title to any portion of Salt marsh, near the lands of the Naval Hospital in Chelsea, in the county of Suffolk and Commonwealth of Massachusetts, and to sell and convey the right, title, and interest of the United States in so much of said marsh as he may deem expedient, upon the terms and conditions recommended in a report from the Bureau of Navy-Yards and Docks upon the subject, dated January seventeen, eighteen hundred and fifty-three.

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.—For coopers' shop and watchman's quarters, dredging in front, and painting and puddling stone basin, boiler-room, boilers, engine and machinery, reservoir for engine-house, pipes, gutters, drains, and cisterns, grading yard near timber shed, and for repairs of all kinds, including care of floating-dock, fifty-three thousand one hundred and seven dollars.

Boston, Massachusetts.—For rebuilding smithery, cooperage, and packing-house, coal-house for rope-walk, engines, stone wall west of timber dock, rebuilding battery, grading and paving timber shed number thirty-one, and for repairs of all kinds, eighty-one thousand four hundred and sixty dollars.

New York, New York.—For completing commander's house, smithery, timber shed; lime, pitch, and coal-house; continuing quay-wall, muster office, cob wharf; dredging channel and piers; completing engine-house, culvert, and removing piles in front of dock; filling in timber pond and low places; paving gutters and flagging, and for repairs of all kinds, two hundred and forty-nine thousand three hundred and twenty dollars: *Provided*, That no part of the appropriation shall be expended until the State of New York shall cede the jurisdiction over the navy-yard to the United States, and until the title to said land is settled, excepting so much of the appropriation as may be needed for completing engine-house, and for repairs of all kinds.

Philadelphia, Pennsylvania.— For extending wharf number four, and dredging, completing, paving, and for repairs of all kinds, including floating dock, twenty-three thousand nine hundred and twenty-five dollars.

Washington, District of Columbia.—For filling in timber dock, (completion of,) extending boiler-shop; converting old ordnance-shop into machine-shop; steam-engine and other machinery for ordnance works, ordnance foundery, for casting brass guns, railway from anchor and boiler shop to wharves, quay wall south front of yard, and for repairs of all kinds, one hundred and sixty-two thousand five hundred and twelve dollars.

Norfolk, Virginia.—For extending quay wharves, completing timber dock, machinery for engine, machine and armorer's shops, dredging, filling in low grounds, grading, completing magazine and keeper's house, Fort Norfolk, hauling up slips and mud scows, and for repairs of all kinds, one hundred and fourteen thousand six hundred dollars.

Pensacola, Florida.—For permanent wharf, paint shops, and cooperage, construction of deep basin and dredging, rebuilding of central wharf and wharves J and C, smoke stack, and extending machine shops, mooring anchors, cables and fixtures for mooring and operating floating dock, and for repairs of all kinds, two hundred and twenty-five thousand eight hundred dollars.

Memphis, Tennessee.—For completing hemp house, completing blacksmith shop and office building, cisterns for rope-walk, culvert from rope-walk to river, and for repairs of all kinds, forty-three thousand nine hundred and seventy-six dollars.

For completion of railing for vertical wall, eight hundred dollars.

For the purchase of iron railing for the rope-laying machinery of the rope-walk, four thousand dollars.

San Francisco, California.—For blacksmith shop, carpenters' shop, storehouse, and wharf, one hundred thousand dollars: *Provided*, That before this sum shall be expended, the Attorney General of the United States shall decide that the United States have good title to the land upon which the buildings are to be erected.

And the Secretary of the Navy is hereby directed to complete and carry into execution the verbal contract for a basin and railway in California, in connection with the floating dock, as made by the late Secretary in pursuance of authority for that purpose, given by the act of September the twenty-eighth, one thousand eight hundred and fifty, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-one," and as stated in the letter of the said late Secretary, addressed to the Hon. Howell Cobb, Speaker of the House of Representatives, and dated the twenty-first day of January, one thousand eight hundred and fifty-one, toward the execution of which one hundred and fifty thousand dollars is hereby appropriated: *Provided*, That in the judgment of the Secretary such basin and railway are necessary and will be useful to the public service.

For Hospitals:

At Boston.—For repairs of all kinds, six hundred dollars.

At New York.—For repairs of all kinds, three hundred dollars.

At Philadelphia Naval Asylum.—For tinning roof of asylum, laying water pipes, furnaces, grates and ranges, pavements and gutters, five thousand dollars.

For repairs of all kinds, one thousand dollars.

At Norfolk.—For wall to inclose a grave-yard, including excavation, six thousand one hundred and sixty-eight dollars and ninety-three cents.

For the purchase of land, to be used as a road communicating with the navy hospital grounds at Norfolk, Virginia, twenty-five hundred dollars.

For repairs of all kinds, two thousand five hundred dollars.

At Pensacola.—For wall around hospital grounds, twenty-two thousand five hundred dollars.

For draining and filling ponds, two thousand six hundred and fifty dollars.

For repairs of all kinds, eleven thousand one hundred and seventy-five dollars.

For magazines:

At Boston, Massachusetts.—For beds to stow shot, for arrangements for bouching, filling, and unloading shells, and for repairs of all kinds, two thousand eight hundred dollars.

At New York.—For fitting store-rooms, work-shops, and machinery for ordnance purposes, for gun-skids, graveling ordnance grounds, and for repairs of all kinds, four thousand two hundred and eighty-five dollars.

At Washington.—For foundations for stowing

shot and protection of shells, for powder magazine, new floor, and for repairs of all kinds, four thousand seven hundred dollars.

At Norfolk.—For foundations of guns and shells, for machinery for bouching shells, and preparing, filling, and tank-houses, and for repairs of all kinds, four thousand five hundred dollars.

At Pensacola.—For preparing platform for saluting battery, and for repairs of all kinds, nine hundred and fifty dollars.

Marine Corps.—For pay of officers, non-commissioned officers, privates, musicians, clerks, messengers, stewards, and servants serving on shore, for rations and clothing for servants, subsistence for officers, and pay for undrawn clothing and rations, bounties for reënlistment and pay for unexpired terms of previous service, two hundred and twenty-three thousand five hundred and thirty dollars and forty-four cents.

For provisions for marines serving on shore, twenty-nine thousand nine hundred and eighty-four dollars and seventy-five cents.

For clothing, fifty-two thousand and sixty-four dollars.

For fuel, fourteen thousand one hundred and ninety-four dollars and fifty-cents.

For military stores, repair of arms, pay of armorers, accoutrements, ordnance stores, flags, drums, fifes, and musical instruments, eight thousand dollars.

For transportation of officers and troops, and expenses of recruiting, twelve thousand dollars.

For repairs of barracks and rent of temporary barracks and offices, where there are no public buildings for that purpose, six thousand dollars.

For contingencies, viz: freight, tonnage, toll, cartage, wharfage, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house-rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, apprehension of deserters, oil, candles, forage, straw, furniture, bed sacks, spades, axes, picks, shovels, carpenter's tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters, twenty-five thousand dollars.

For the purpose of paying the lien existing on the lands recently purchased as an addition to the navy-yard at Brooklyn, twelve thousand two hundred and forty-seven dollars and five cents, to be paid by the Secretary of the Navy, if upon examination he shall find the same to be due as a lien on the purchase of the said land, and the Secretary of the Navy is hereby empowered and directed to sell and convey to any purchaser all that part of the navy-yard lands at Brooklyn between the west side of Vanderbilt avenue and the hospital grounds, containing about twenty-six and a half acres, including Vanderbilt and Clinton avenues: *Provided*, That said lands shall not be sold at less price than they cost the Government, including interest with all assessments and charges: *And provided further*, That, prior to the sale of said lands, exclusive jurisdiction shall be ceded to the United States of all the remaining lands connected with the said navy-yard, belonging to the United States: *Provided*, That the sale be made at public auction, after thirty days' notice in at least three daily newspapers published in the cities of New York and Brooklyn.

That the sum of one thousand one hundred and sixty-four dollars and ten cents, being part of the appropriation made for the service of continuing the survey of the coast of the Gulf of Mexico, from Appalachicola bay to the Mississippi river, by the act of March third, eighteen hundred and forty-one, and which has been carried to the credit of the surplus fund, be and is hereby reappropriated to pay for the services of the officer or officers employed in that survey.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, directed to credit the medical officers of the navy, who, by order of the department, served with a detachment of marines in Mexico during the late war with that Republic, in addition to the pay to which they are entitled as medical officers of the navy, respectively, the same allowance for rations and forage, in proportion to the time they so served, as are allowed to officers of the army of similar standing.

APPROVED, March 3, 1853.

PUBLIC, XXXVIII.—*An Act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and the same are hereby appropriated for the service of the Post Office Department, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four, out of any moneys in the Treasury arising from the revenues of the said department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six, and for other purposes, viz:

For transportation of the mails, five million and twenty-nine thousand dollars.

For compensation to postmasters, two million and twenty-six thousand dollars.

For ship, steamboat, and way letters, thirty thousand dollars.

For wrapping-paper, fifty-two thousand dollars.

For office furniture, in the offices of postmasters, eight thousand dollars.

For advertising, seventy-six thousand five hundred dollars.

For mail-bags, fifty-one thousand dollars.

For blanks, fifty-five thousand dollars.

For mail-locks, keys, and stamps, twenty thousand dollars.

For mail depredations, and special agents, fifty thousand dollars.

For clerks in the offices of postmasters, five hundred and fifty-six thousand dollars.

For miscellaneous items, one hundred and twenty thousand dollars.

For postage stamps and stamped envelopes, fifty five thousand dollars.

SEC. 2. *And be it further enacted*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, a sum not exceeding one million eight hundred thousand dollars, to supply any deficiency that may arise in the revenues of the Post Office Department, to meet the foregoing appropriations, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

SEC. 3. *And be it further enacted*, That in all cases where the Postmaster General shall be satisfied that either money or property, stolen from the United States mail, shall have been exchanged for other money or property, and has been, upon the conviction of the thief, received at his Department, he shall have authority, upon satisfactory evidence that the same justly belonged to any individual, firm, or corporation, to pay over and deliver such money or property to the owner thereof.

SEC. 4. *And be it further enacted*, That section three of the act entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes," and approved the thirty-first of August, one thousand eight hundred and fifty-two, be and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That the Postmaster General is hereby authorized to make such arrangement as he may deem advisable, by causing letters sent to California and Oregon to be advertised free of expense to the United States, and by the issuing of circulars to postmasters, and causing the same to be published, to insure as far as possible the delivery of letters sent by mail from the Atlantic States to California, to the individuals to whom they are directed.

APPROVED, March 3, 1853.

PUBLIC, XXXIX.—*An Act making appropriations for Light-Houses, Light-Boats, Buoys, &c., and providing for the erection and establishment of the same, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following appropiations be, and the same are hereby, made and directed to be paid, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry the provisions of this act into effect: *Provided, however*, If a good title to any land which it may be necessary to use cannot be obtained on reasonable terms, or the exclusive right to such land cannot be acquired by cession, when the interest of the United States demands it, before the appropriation would by law fall into the surplus fund, in any and all such cases the appropriations shall be applicable to the objects for which they are made at any time within two years after the first meeting of the Legislature in any State wherein such land may be situated subsequent to the passage of this act, to wit:

Maine.—For buoys, beacons, and spindles, to be placed at the channels of Wascongas Bay, and at other important points in the waters of said State, in addition to the sum appropriated by the act of August thirty-first, eighteen hundred and fifty-two, three thousand dollars.

Massachusetts.—For buoys to mark the channel of Taunton river, five hundred dollars;

For a beacon in "Deep Hole Rock," in Vineyard sound, six hundred dollars;

For the erection of a light-house and keeper's house on or near the breakwater at Bass river, being a reappropriation of the same sum appropriated by an act of September twenty-eight, eighteen hundred and fifty, four thousand dollars;

Towards the erection of a light-house on the rocks called the "Sow and Pigs," near the entrance of Buzzard's bay, to take the place of the light-vessel now stationed there, being a reappropriation of the same sum appropriated by the act of September twenty-eight, eighteen hundred and fifty, thirty thousand dollars;

For a light vessel to be moored off Minot's Ledge, in addition to the sum appropriated at the last session of Congress, six thousand dollars.

Rhode Island.—For buoys to be placed on the following points: "Old Newton," "The Sisters," ("Narragansett bay,") "Sandy Point," ("Block Island,") and Taursett Point, (near Wickford,) five hundred dollars;

For erecting a beacon light at "Seine rock," Newport harbor, one thousand dollars.

Connecticut.—For buoys in New Haven harbor, two hundred dollars;

For buoy on Penfield reef, one hundred and fifty dollars;

For beacon on Race rock, Long Island sound, seven thousand dollars;

For the erection of one or more beacon lights below Middletown, on the Connecticut river, and for the erection of buoys and spindles, three thousand dollars;

For the erection of a fog-bell or whistle, as the Light-House Board shall determine, on Pine Island, in Fisher's Island sound, one thousand dollars.

New York.—For a small light on or near Carlton Head, and for repairing or rebuilding Tibbit's Point light-house, five thousand dollars;

For a fog-bell or whistle, to be worked by machinery, to be placed on the south pier, near the light-house at Buffalo, two thousand five hundred dollars;

For a new light vessel, to take the place of that now moored off Sandy Hook, in addition to the sum appropriated at the last session of Congress, two thousand dollars.

New Jersey.—For buoys to be placed on Absecum bar, and in the inlet, (a harbor refuge,) eight hundred dollars.

Delaware.—For beacons and buoys for Delaware Bay, to complete the necessary beaconage and buoyage in the lower part of the river and bay, five thousand dollars.

Michigan.—For a light-house on Point Betsey, Lake Michigan, five thousand dollars;

For a light-house at Grand Island harbor, Lake Superior, five thousand dollars;

For a light-house at Rock harbor, Isle Royal, Lake Superior, five thousand dollars;

For a fog bell, to be worked by machinery, for Thunder Bay Island light-house, Lake Huron, two thousand five hundred dollars;

For erecting a light-house at the mouth of Portage river, five thousand dollars;

For the erection of a light-house at Point Iroquois, or on the Island of Point Auxchous, as the Light-House Board shall determine, five thousand dollars;

For making the foundations of two light-houses, one to be a beacon light, on the Saint Clair flats, ten thousand dollars; the places to be selected, and

the work executed, under the direction of the Topographical Bureau.

Ohio.—For a beacon of solid masonry, to be placed on a reef lying in the track of vessels at the west end of Lake Erie, near the south shore, off Bois Blank and near Touissaint river, three thousand dollars.

Virginia.—For a first-class buoy to be placed on the "Upper Middle" in Chesapeake Bay, and buoys for "Sand Shoal" and "Hog Island Inlet," Atlantic coast, eight hundred dollars;

For buoys to be placed in the Potomac river, as follows: Lower end of "Jones's Point," "Occoquan Flats," off "Marlow's Creek," lower part of "Wade's Bay," off "Jenifer's Quarter," "Matthias Point," and "Dent's Shoal," five hundred and sixty dollars;

For a small light at "Stingery Point," Rappahannock, two hundred and fifty dollars;

For a beacon at Naylor's Hole, Rappahannock, one hundred and fifty dollars;

For twelve buoys for Rappahannock river, six hundred dollars.

South Carolina.—For six large iron buoys for Charleston bar and channels, three thousand dollars;

For a large bell buoy for the entrance over Charleston bar, five thousand dollars;

For a buoy to be placed on Middle Ground shoal, Charleston harbor, five hundred dollars;

For a light vessel to be placed on Rattlesnake shoal, twenty thousand dollars;

For building beacon on Morris Island, Charleston harbor, three thousand dollars;

For changing the present light-house at Cape Romain into a first-class sea-coast light, by elevating, improving, and refitting the same with the most approved illuminating apparatus, twenty thousand dollars.

Florida.—For an iron pile light-house to take the place of the light-vessel stationed near Key West, twelve thousand dollars;

For making permanent the signals placed by the Coast Survey along the Florida reef, ten thousand dollars;

For the erection of a first-class light-house, and fitting the same with a first order illuminating apparatus, near Jupiter inlet, thirty-five thousand dollars.

Alabama.—For a beacon to mark a shoal in Mobile bay channel, caused by a wreck, five hundred dollars.

Louisiana.—For largest class iron buoys, to mark the approaches to the principal passes at the mouth of Mississippi river, three thousand dollars;

Towards the erection of a first-class light-house, as a substitute for the light-vessel at "Ship shoal," to be located at "Ship shoal," or Raccoon Point, as may be determined by the Secretary of the Treasury, after the survey of that locality authorized by the act of thirty-first August, eighteen hundred and fifty-two, shall be completed, twenty thousand dollars.

Texas.—For third-class iron buoys to be placed at "Brazos Santiago bar," mouth of "Grand River bar," and the entrance to Matagorda bay, two thousand dollars;

For a first-class light-house at the mouth of the Sabine river, thirty thousand dollars.

California.—For a buoy to mark Commission ledge, in Mare Island straits, five hundred dollars;

For a buoy to mark "Middle Ground," in Suisun bay, five hundred dollars;

For largest class buoy, to mark entrance to bar at San Francisco, eight hundred dollars;

For buoys to mark the channel of the Sacramento river, two thousand dollars;

For buoys for Humboldt harbor, five hundred dollars;

For buoys for Umpqua, five hundred dollars;

For a second class light-house at Point Boneta, San Francisco bay, twenty-five thousand dollars;

For the erection of a light-house in San Pedro bay, ten thousand dollars;

Oregon.—For additional buoys at Columbia river, one thousand five hundred dollars;

To test the adaptation of Jabez Stone's patent buoy, as a guide to river and other narrow channels, two hundred and fifty dollars;

To enable the Light-House Board to procure the necessary machinery, and test practically the plan for distinguishing lights by occultation, submitted by Charles Babbage, esq., and which was communicated to Congress at its last session, five thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of three thousand five hundred dollars, appropriated by the first section of the act of eighteen hundred and fifty-two, chapter one hundred and twelve, to the erection of a harbor light on a point of land lying west of the entrance of Buck's harbor, in Brooksville, may be applied to the erection of a harbor light on the northern extremity of Pumpkin Island, in conformity to the recommendation of the Coast Survey.

SEC. 3. *And be it further enacted*, That the location of the two beacon lights, authorized by the act of eighteen hundred and fifty-one, to be placed near Fort Hamilton, be changed to the other end of the range line of the main channel, on the New Jersey shore.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to select, instead of the outer "Minot Ledge," any more suitable site amongst the Cohasset rocks, at the entrance of Boston harbor, on which to erect the light-house authorized by the first section of the act of eighteen hundred and fifty-two, chapter one hundred and twelve, if in his judgment, and on further surveys, if necessary, any more suitable site can be found.

SEC. 5. *And be it further enacted*, That the sum of three thousand five hundred dollars, appropriated by the first section of the act of eighteen hundred and fifty-two, chapter one hundred and twelve, "for the construction of two ice-breakers," may be applied by the Light-House Board for the preservation and protection of the light house on Brandywine shoal, in such manner as may best secure the object.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to apply the sum of five thousand dollars, appropriated by the act of eighteen hundred and fifty-two, section one, chapter one hundred and twelve, for a light-house on the Nubble, Cape Neddick, York, to the erection of a light-house at the entrance of York harbor, if that location will best subserve the interests of commerce.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury be directed, if in his opinion the safety of commerce demanded a light at Minot's Ledge, at the entrance of Boston harbor, to replace that which was destroyed, to examine into the claims of R. B. Forbes and others, who kept a light-boat there at their private expense; and, if he is of opinion that their doings were essential to the safety of navigation, to allow them such a sum as, under the circumstances, he deems reasonable, and to pay the same out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

PUBLIC, XL.—*An Act making appropriations for the Transportation of the United States Mail by Ocean Steamers and otherwise, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four:

For transportation of the mails from New York to Liverpool and back, eight hundred and fifty-eight thousand dollars.

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres and back, two hundred and ninety thousand dollars.

For transportation of the mails from Panama to California and Oregon and back, three hundred and forty-eight thousand two hundred and fifty dollars.

For carrying out the contract entered into by the Post Office Department under the law passed at the last session of Congress, establishing a trimonthly mail by steam-vessels between New Orleans and Vera Cruz, via Tampico, seventy thousand dollars.

SEC. 2. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four, out of any moneys in the Treasury arising from the revenues of said department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six:

For transportation of the mails in two steamships from New York, by Southampton, to Bremen and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York, three hundred and fifty thousand dollars.

For transportation of the mails between Charleston and Havana, under the contract with M. C. Mordecai, fifty thousand dollars.

For transportation of the mails across the Isthmus of Panama, one hundred and twenty thousand dollars.

SEC. 3. *And be it further enacted*, That the Postmaster General shall cause the facts to be investigated in relation to the contract of A. G. Sloo, for the transportation of the mail in ocean steamers from New York to New Orleans, Charleston, Savannah, Havana, and Chagres and back, per act of March third, eighteen hundred and forty-seven, for the purpose of ascertaining how far the contract corresponds with the original bids, and shall report to Congress at the next session the facts and circumstances connected with the said contract; and also for what amount the said mail service could be performed if a new contract should be made, and whether the ships furnished under said contract are built according to its terms. The Postmaster General is further directed by this act to ascertain and report to Congress at its next session for what amounts the service now performed under the several contracts with the Navy and Post Office Department for carrying the mail in ocean steamers can be hereafter performed, upon the supposition that the United States shall take the steamers according to contract and sell or transfer them.

SEC. 4. *And be it further enacted*, That upon the application of either of the companies contracting to carry the mail in ocean steamers from New York to Havre, or from New York to Bremen, the Postmaster General is hereby authorized to discharge such company from said contract: *Provided*, That no further compensation shall be paid to either of said companies after such discharge from its contract.

APPROVED, March 3, 1853.

PUBLIC, XLI.—*An Act making appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty stipulations with various Indian Tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-four:*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and they are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs, per acts of fifth of June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, and third March, eighteen hundred fifty-two, twelve thousand five hundred dollars.

For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty-one, forty-three thousand seven hundred and fifty dollars.

For the pay of interpreters, per acts of the thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty-one, twenty-eight thousand dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June,

eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent at Van Buren, Arkansas, per act of twenty-seventh of June, eighteen hundred and forty-six, one thousand dollars.

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two, two thousand five hundred dollars.

For office rent, fuel, lights, and stationery, for the superintendent of Indian affairs in Oregon, two thousand four hundred dollars.

For traveling expenses of superintendent of Indian affairs in Oregon, and agents therein, two thousand dollars.

For general incidental expenses of the Indian service in the State of California, thirty thousand dollars.

For general incidental expenses of the Indian service in the Territory of New Mexico, ten thousand dollars.

For general incidental expenses of the Indian service in the Territory of Utah, ten thousand dollars.

For expenses already incurred, and that may hereafter be necessary, for vaccination of Indians, five thousand dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For repairs of buildings at agencies, two thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

For deficiencies in the fund for the contingencies of the Indian department, fifteen thousand dollars.

To the Christian Indians.—For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six, four hundred dollars.

To the Chippewas of Saganaw.—For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth September, eighteen hundred and nineteen, one thousand dollars.

For permanent provision for the support of blacksmiths, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty-seven, two thousand dollars.

For education, during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six, one thousand dollars.

Chippewas, Menomonies, Winnebagoes, and New York Indians.—For education during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Choctaws.—For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five, three thousand dollars.

For permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty, six hundred dollars.

For permanent annuity for education, stipulated in the second article of the treaty of twentieth of January, eighteen hundred and twenty-five, six thousand dollars.

For permanent provision for blacksmith, stipulated in the sixth article of the treaty of eighteenth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five, six hundred dollars.

For iron and steel, &c., for shop, stipulated in the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five, three hundred and twenty dollars. That the authority of the Secretary of the Interior to examine the claims of Choctaws to reservations of land under the treaty of eighteen hundred and thirty, shall extend to all cases recommended by either of the Boards of Commissioners appointed to examine said claims, and his awards in scrip shall be received by them in full satisfaction of all their claims against the Government arising under said treaty, and the scrip thus awarded shall be received as other warrants in payment for any public lands subject to sale at private entry.

Chickasaws.—For permanent annuity, stipulated in the act of the twenty-fifth of February, seventeen hundred and ninety-nine, three thousand dollars.

Chippewas of Lake Superior and the Mississippi.—For seventeenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nine thousand five hundred dollars.

For seventeenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nineteen thousand dollars.

For seventeenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, three thousand dollars.

For seventeenth of twenty installments for the support of farmers, purchase of implements, grain or seed, and to carry on their agricultural pursuits, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, one thousand dollars.

For seventeenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, two thousand dollars.

For seventeenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, five hundred dollars.

For twelfth of twenty-five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, twelve thousand five hundred dollars.

For twelfth of twenty-five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, ten thousand five hundred dollars.

For twelfth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For twelfth of twenty-five installments for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand dollars.

For twelfth of twenty-five installments for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand two hundred dollars.

For twelfth of twenty-five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For twelfth of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

Creeks.—For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety, one thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two, three thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, eight hundred and forty dollars.

For iron, steel, &c., for shops, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two hundred and seventy dollars.

For seventeenth of twenty installments for the pay of two blacksmiths and assistants, stipulated in the thirtieth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, one thousand six hundred and eighty dollars.

For iron, steel, &c., stipulated in the thirtieth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, five hundred and forty dollars.

For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, six hundred dollars.

For twenty-third of thirty-three installments for education, stipulated in the thirteenth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For interest on three hundred and fifty thousand dollars, at five per centum, stipulated in the third article of the treaty of the twenty-third of November, eighteen hundred and thirty-eight, seventeen thousand five hundred dollars.

For tenth of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For interest on three hundred and fifty thousand dollars, at five per centum, stipulated in the third article of the treaty of the twenty-third of November, eighteen hundred and thirty-eight, seventeen thousand five hundred dollars.

For tenth of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For blacksmith and assistant during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron, steel, and coal, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, two hundred and seventy dollars.

For wagon-maker, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, six hundred dollars.

For agricultural implements, during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two thousand dollars.

For education, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, one thousand dollars.

Delawares.—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen, four thousand dollars.

For permanent annuity, stipulated in the supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, one thousand dollars.

For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen, two hundred dollars.

For life annuity to chiefs, stipulated in the supplemental article to the treaty of the twenty-sixth of October, eighteen hundred and thirty-two, one hundred dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For iron, steel, &c., for shop, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, two hundred and twenty dollars.

For interest on forty-six thousand and eighty dollars at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight, two thousand three hundred and four dollars.

Florida Indians, or Seminoles.—For the removal and subsistence of Seminoles now in Florida, two hundred thousand dollars. This amount having been heretofore appropriated and carried to the surplus fund under the act approved the thirty-first of August, eighteen hundred and fifty-two, making appropriations for the civil and diplomatic expenses of the Government.

For tenth of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five, two thousand dollars.

For tenth of fifteen installments in money, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

Iowas.—For interest on one hundred and fifty-seven thousand five hundred dollars, at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight, seven thousand eight hundred and seventy-five dollars.

Kanzas.—For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six, ten thousand dollars.

Miamies.—For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, twenty-five thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For iron, steel, &c., stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, two hundred and twenty dollars.

For permanent provision for the purchase of one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, seven hundred and seventy dollars.

For permanent provision for pay of miller in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, and the fifth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-four, six hundred dollars.

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, three hundred and twenty dollars.

For education and support of poor during the pleasure of Congress, stipulated in the sixth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, two thousand dollars.

For thirteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty, twelve thousand five hundred dollars.

For permanent provision for payment in lieu of laborers, stipulated in the sixth article of the treaty of the twenty-eighth of November, eighteen hundred and forty, two hundred and fifty dollars.

For permanent provision for agricultural assistance, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, two hundred dollars.

Eel Rivers, (Miamies.)—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirteenth of September, eighteen hundred and nine, three hundred and fifty dollars.

Menomonies.—For eighteenth of twenty installments as annuity, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, twenty thousand dollars.

For eighteenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one thousand four hundred and forty dollars.

For eighteenth of twenty installments for iron, steel, &c., for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred and forty dollars.

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, three thousand dollars.

For eighteenth of twenty installments for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred dollars.

For eighteenth of twenty installments for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, five hundred dollars.

For eighteenth of twenty installments for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one hundred and fifty dollars.

For second of fifteen installments for pay of miller, stipulated in the fourth article of the treaty of the eighteenth of October, eighteen hundred and forty-eight, six hundred dollars.

Omahas.—For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, seven hundred and twenty dollars.

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, five hundred dollars.

Ottoes and Missourias.—For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, five hundred dollars.

For pay of farmer, during the pleasure of the President, stipulated in the fifth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, six hundred dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, seven hundred and twenty dollars.

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

Ottowas.—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one, one thousand dollars.

Ottowas and Chippewas.—For nineteenth of twenty installments, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six, thirty thousand dollars.

For interest to be paid as annuity, on two hundred thousand dollars at six per cent. per annum, stipulated in the resolution of the Senate of the twenty-seventh of May, eighteen hundred and thirty-six, twelve thousand dollars.

For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, five thousand dollars.

For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three thousand dollars.

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservation, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three hundred dollars.

For nineteenth of twenty installments for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand dollars.

For nineteenth of twenty installments for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, eight hundred dollars.

For nineteenth of twenty installments for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred dollars.

For nineteenth of twenty installments for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, four hundred dollars.

For three blacksmiths and assistants, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand one hundred and sixty dollars.

For iron, steel, &c., for shops, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred and sixty dollars.

For gunsmith at Mackinac, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred dollars.

For iron, steel, &c., for shop, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred and twenty dollars.

For two farmers and assistant, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand six hundred dollars.

For two mechanics, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand two hundred dollars.

Osages.—For sixteenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, twenty thousand dollars.

For sixteenth of twenty installments for two smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, two thousand dollars.

For interest on sixty-nine thousand one hundred and twenty dollars at five per centum, being the valuation of fifty-four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Piankeshaws.—For permanent annuity, stipula-

ted in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five, three hundred dollars.

Pawnees.—For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three, one thousand dollars.

Pottawatomies of Huron.—For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

Pottawatomies.—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two thousand dollars.

For life annuity to chiefs, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two, four hundred dollars.

For nineteenth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, fourteen thousand dollars.

For life annuity to chiefs, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, seven hundred dollars.

For nineteenth of twenty installments as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, two thousand dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred and forty dollars.

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, three hundred and twenty dollars.

For education during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, seven hundred and twenty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two hundred and twenty dollars.

For education during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one thousand dollars.

For permanent provision for the payment in money, in lieu of two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, seven hundred and twenty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two hundred and twenty dollars.

For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For education, during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-seventh of October, eighteen hundred and thirty-two, two thousand dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

To supply a deficiency in the appropriation of September thirtieth, eighteen hundred and fifty, for the payment of the balance of the awards of General William B. Mitchel, Commissioner under the treaty of Chicago of the twenty-sixth of September, eighteen hundred and thirty-three, with the Pottawattomies, reported by him to the Secretary of War on the twenty-eighth day of January, eighteen hundred and forty-one, as adjudicated and approved by the said Secretary in his decision of March the third, eighteen hundred and forty-one, the sum of four thousand two hundred dollars.

Quapaws.—For education, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two hundred and twenty dollars.

For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, six hundred dollars.

Six Nations of New York.—For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four, four thousand five hundred dollars.

Senecas of New York.—For permanent annuity, in lieu of interest on stock, per act of the nineteenth of February, eighteen hundred and thirty-one, six thousand dollars.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh of June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

Stockbridges.—For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty-fourth of November, eighteen hundred and forty-eight, eight hundred and twenty-five dollars.

For the appropriation of this amount, being a part of the sum carried to the surplus fund for warrant number thirteen, dated the thirtieth of June, eighteen hundred and forty-six, for payment of claims (of that portion of the Stockbridge and Mansee tribe of Indians who emigrated west) under the sixth article of the treaty of September third, eighteen hundred and thirty-nine, seven hundred and two dollars.

Sioux of Mississippi.—For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, fifteen thousand dollars.

For seventeenth of twenty installments as annuity in goods, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, ten thousand dollars.

For seventeenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, &c., stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, eight thousand two hundred and fifty dollars.

For seventeenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, five thousand five hundred dollars.

For second of fifty installments of interest, at the rate of five per centum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the twenty-third of July, one thousand eight hundred and fifty-one, sixty-eight thousand dollars.

For second of fifty installments of interest, at the rate of five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article per Senate's amendment to treaty of twenty-third July, one thousand eight hundred and fifty-one, five thousand six hundred dollars.

For second of fifty installments of interest, at the rate of five per centum, on one million one hundred and sixty thousand dollars, stipulated in the fourth article of treaty of fifth of August, one thousand eight hundred and fifty-one, fifty-eight thousand dollars.

For second of fifty installments of interest, at the rate of five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty of fifth of August, one thousand eight hundred and fifty-two, three thousand four hundred and fifty dollars.

Sacs and Foxes of Missouri.—For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Sacs and Foxes of Mississippi.—For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four, one thousand dollars.

For twenty-second of thirty installments, as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, twenty thousand dollars.

For twenty-second of thirty installments for gunsmith, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, six hundred dollars.

For twenty-second of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-second of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred and forty dollars.

For twenty-second of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-second of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred dollars.

For twenty-second of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred dollars.

For interest on two hundred thousand dollars at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two, forty thousand dollars.

Shawnees.—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, two thousand dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, sixty dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, two hundred and twenty dollars.

For payment in full of all claim under that part of the treaty of eighteen hundred and thirty-one which has relation to the grant of one hundred thousand acres of land, in fee-simple, to the then Ohio Shawnees, sixty thousand two hundred and forty-six dollars and twenty-three cents: *Provided*, That the receipt therefor shall specify that it is in full satisfaction of such claim: *Provided*, That this appropriation shall not be held to affect the title of the Ohio Shawnees to land under the treaties of eighteen hundred and twenty-five, and eighteen hundred and thirty-one, within the fifty miles square ceded to the Shawnees of Missouri by the treaty of eighteen hundred and twenty-five.

Senecas and Shawnees.—For permanent annuity stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, two hundred and twenty dollars.

Senecas.—For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, two hundred and twenty dollars.

For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, six hundred dollars.

Wyandots.—For permanent annuity, stipulated in the third article of the treaty of the seventeenth of March, eighteen hundred and forty-two, seventeen thousand five hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, eight hundred and forty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, three hundred and seventy dollars.

For permanent provision for education, stipulated in the fourth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, five hundred dollars.

Weas.—For permanent annuity, stipulated in the fifth article of the treaty of the second of October, eighteen hundred and eighteen, three thousand dollars.

Winnebagoes.—For twenty-fifth of thirty installments, as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For twenty-second of twenty-seven installments as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, ten thousand dollars.

For twenty-fifth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For twenty-fifth of thirty installments, for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred dollars.

For twenty-second of twenty-seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three hundred dollars.

For twenty-fifth of thirty installments for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For twenty-fifth of thirty installments for iron, steel, &c., for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For twenty-fifth of thirty installments for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, three hundred and sixty-five dollars.

For twenty-second of twenty-seven installments for education, stipulated in the fourth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three thousand dollars.

For twenty-second of twenty-seven installments for six agriculturists, purchase of oxen, plows, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, two thousand five hundred dollars.

For twenty-second of twenty-seven installments for pay of two physicians, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, four hundred dollars.

For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven, fifty-five thousand dollars.

For interest on eighty-five thousand dollars at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Texas Indians.—For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, thirty thousand dollars, of which the sum of fifteen thousand dollars may be used in such manner as the Secretary of the Interior may deem necessary for subsistence and preserving peace with said Indians.

Miscellaneous.—For payment of the third of the installments in provisions, merchandise, &c., and the transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie, of seventeenth of September, one thousand eight hundred and fifty-one, sixty thousand dollars: *Provided*, That the same shall not be paid until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the above-recited treaty.

For continuing the collection and for publishing the statistics and other information authorized by the act of third March, eighteen hundred and forty-seven, and subsequent acts, seventeen thousand six hundred and twenty dollars and fifty cents.

For the payment of the accounts of Governor John P. Gaines and Courtney M. Walker, for expenses incurred by them in quelling the difficulties with the Rogue River Indians of Oregon, in the year eighteen hundred and forty-one, four thousand nine hundred and seventy-nine dollars.

To enable the Department to procure the medals of the next President of the United States for presentation to chiefs and headmen of the Indian tribes, twenty-five hundred dollars.

That the President of the United States, if upon examination he shall approve of the plan hereinafter provided for the protection of the Indians, be, and he is hereby, authorized to make five military reservations from the public domain in the State of California or the Territories of Utah and New Mexico bounding on said State, for Indian purposes: *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservation shall not be made upon any lands inhabited by citizens of California, and the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California, and removing them to said reservations for a protection: *Provided, further*, If the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized, immediately after the passage of this act, to enter into negotiation with the Indian tribes west of the States of Missouri and Iowa for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands; and that, for the purpose of carrying into effect the provisions of this section, the sum of fifty thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That no part of the appropriation herein made, or that may hereafter be made, for the benefit of any Indian, or tribe, or part of a tribe of Indians, shall be paid to any attorney or agent of such Indian, or tribe, or part of a tribe, but shall in every case be paid directly to the Indian or Indians to whom it shall be due, or to the tribe or part of a tribe per capita, unless the imperious interest of the Indian or Indians or some treaty stipulation shall require the payment to be made otherwise, under the special direction of the President; nor shall the Executive branch of the Government now or hereafter recognize any contract between any Indian, or tribe, or part of a tribe, and any attorney or agent for the prosecution of any claim against any of the Departments of the Government; and the sum of six hundred and eighty-two dollars be appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Commissioner of Indian Affairs to pay the amount due the legal representatives of Armee, a Cherokee, in accordance with the recommendation of the Secretary of the Interior and the Commissioner of Indian Affairs.

SEC. 4. *And be it further enacted*, That if any officer who is or may hereafter be charged with the payment of any of the appropriations made by this or any other act of Congress shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give voucher for an amount greater than that actually paid to and received by him, such officer thus acting shall be deemed guilty of embezzlement, shall be fined a sum double the amount so withheld from any employee of Government, and shall be imprisoned for the term of two years, and may be prosecuted and punished in any court of the United States having jurisdiction for the trial of such offenses in the district where such offense shall be committed.

APPROVED, March 3, 1853.

PUBLIC, XLII.—*An Act to Incorporate the Georgetown and Catoctin Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the State of Maryland shall by law incorporate a company to lay out and construct a railroad from any point in connection with the Baltimore and Ohio railroad, at or near the Point of Rocks, to Georgetown, in the District of Columbia, the right of way, not exceeding sixty-six feet wide, be and is hereby granted to such company: *Provided*, That before any such road, depôts, and its necessary fixtures shall be located in Georgetown, the assent of said city shall first be obtained: *And provided also*, That the same provisions for the condemnation of and payment for land, or other private property, for the use of the said road, as may be made by any act for the incorporation of such company by the State of Maryland, shall be and hereby are extended to the condemnation of and payment for land, or other private property, for the use of the said road within the District of Columbia.

APPROVED, March 3, 1853.

PUBLIC, XLIII.—*An Act making an appropriation for the completion of the Public Buildings in the Territory of Minnesota.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars.be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the continuation of the public buildings in the Territory of Minnesota, one half of said sum to be applied to the completion of the capitol at St. Paul, and the remainder to the completion of the prison buildings at Stillwater, in said Territory, to be expended under the direction of the legislative authority thereof: *Provided*, That nothing herein contained shall be construed to authorize any further expenditure by said territorial authority for the purposes aforesaid than is provided for in this act.

APPROVED, March 3, 1853.

PUBLIC, XLIV.—*An Act to extend Preëmption Rights to certain Lands therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the preëmption laws of the United States, as they now exist, be and they are hereby extended over the alternate reserved sections of public lands along the lines of all the railroads in the United States, wherever public lands have been or may be granted by acts of Congress; and that it shall be the privilege of the persons residing on any of said reserved lands to pay for the same in soldiers' bounty land warrants, estimated at a dollar and twenty-five cents per acre, or in gold and silver, or both together, in preference to any other person, and at any time before the same shall be offered for sale at auction: *Provided*, That no person shall be entitled to the benefit of this act who has not settled and improved, or shall not settle and improve, such lands prior to the final allotment of the alternate sections to such railroads by the General Land Office: *And provided further*, That the price to be paid, shall, in all cases, be two dollars and fifty cents per acre; or such other minimum price as is now fixed by law, or may be fixed, upon lands hereafter granted, and no one person shall have the right to preëmption to more than one hundred and sixty acres: *And provided further*, That any settler who has settled, or may hereafter settle, on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or shall be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of preëmption granted by this act and the act of fourth of September, eighteen hundred and forty-one, entitled "An act to appropriate the proceeds of the public lands and to grant preëmption rights," after the land shall have been released from reservation, in the same manner as if no reservation existed.

APPROVED, March 3, 1853.

PUBLIC, XLV.—*An act authorizing Changes in the location of Land Offices.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby authorized to change the location of the land offices in the several land districts established by law, and to establish the same from time to time at such point in the district as he may deem expedient.

APPROVED, March 3, 1853.

PUBLIC, XLVI.—*An Act to provide for the Survey of the Public Lands in California, the Granting of Preëmption Rights therein, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the surveyor general for the district or State of California, who is now, or may hereafter be appointed by the President, by and with the advice and consent of the Senate, shall keep his office at such place as the President, in view of the public convenience, shall from time to time direct; and the surveyor general, if he has not already done so, and his successors in office, before entering upon duty, shall take and subscribe an oath or affirmation before a judge of a United States court, or other competent officer, to support the Constitution of the United States, and faithfully discharge the duties of his office, and give bond in the same amount as the other surveyors general, the penalty thereof to be increased whenever the Secretary of the Interior shall deem proper. He shall be entitled to receive a salary at the rate of four thousand five hundred dollars per annum, payable quarter-yearly, to commence from the time of entering into bond.

SEC. 2. *And be it further enacted*, That there shall be allowed for clerk hire in the office of the surveyor general, the sum of eleven thousand dollars per annum, or so much thereof as may be necessary: *Provided*, That the salary of no clerk shall exceed the sum of twenty-five hundred dollars per annum, and for office rent, fuel, and other incidental expenses of his office, such sums as shall be found necessary by the Secretary of the Interior, not exceeding the sum of ten thousand dollars. And the Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general; and any copy of or extracts from the plats, field notes, and other records and documents on file in his office, when attested as such, by the said seal, and the signature of the surveyor general, shall in all judicial matters, have the same force and effect as the originals.

SEC. 3. *And be it further enacted*, That the said surveyor general shall have the same power and authority, and perform the same duties respecting the public lands and private claims in the State of California, as by laws appertain to and are required of the surveyor general in Louisiana, except so far as the same may be modified by this act. He shall engage a sufficient number of skillful surveyors as his deputies, whom he shall cause to survey, measure, and mark base and meridian lines through such points, and perpetuated by such monuments, and such other correction, parallels and meridians as may be prescribed, and also to survey and establish the other lines of the public lands. He shall also cause all private claims to be surveyed after they have been confirmed, so far as may be necessary to complete the surveys of the public lands; and in the location and survey of them, he shall have the same power and authority as are conferred on the land officers of Louisiana by the sixth section of the act of third of March, eighteen hundred and thirty-one, creating the office of the surveyor general for that State; and for surveying the base and meridian lines, and private claims, and meandering navigable waters, the deputy surveyor shall be allowed not exceeding sixteen dollars per mile; and for surveying the other lines of the public lands, there shall be paid not exceeding an average of twelve dollars per mile: *Provided*, That none other than township lines shall be surveyed when the lands are mineral or are deemed unfit for cultivation; and no allowance shall be made for such lines as are not actually run and marked in the field, and were actually necessary to be run.

SEC. 4. *And be it further enacted*, That if, in the opinion of the Secretary of the Interior, it shall be advisable, he is hereby authorized to direct such surveys after what is known as the geodetic method. And whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands would promote the public interests, he may direct such change to be made in the mode of surveying and designating the said lands as he may deem proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges: *Provided*, That such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres.

SEC. 5. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land office and receiver of public moneys for the State of California, at such time as, in his judgment, the public interest may demand, with a salary each of three thousand dollars per annum, payable quarter yearly; and the land office shall be located at such place as the President, in view of the public convenience, shall from time to time direct; and previously to entering on the duties of their offices, they each shall take and subscribe an oath or affirmation, before one of the judges of the United States courts, or other competent officer, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, and shall give bond in the same amount as other registers and receivers of the public land offices; and their general duties and responsibilities shall be the same as other officers of like character: *Provided however*, That at such time or times as in his judgment the public interest may so imperatively require, and in the absence of any further and special legislation of Congress on the subject, it shall be lawful for the President of the United States to divide the State of California into two or three separate and distinct land districts, as circumstances shall determine to be necessary, embracing, respectively, the upper and lower, or the upper, middle, and lower portions of the State; and he shall appoint, by and with the advice and consent of the Senate, or during the recess of Congress when necessary, a register of the land office and receiver of public moneys for each of such land districts; and the land offices for the same respectively shall be located at, and be removed from time to time to, such places as the President shall deem most suitable for public convenience.

SEC. 6. *And be it further enacted*, That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be and hereby are granted to the State for the purposes of public schools in each township, and with the exception of lands appropriated under the authority of this act or reserved by competent authority, and excepting also the lands claimed under any foreign grant or title and the mineral lands, shall be subject to the preëmption laws of fourth September, eighteen hundred and forty-one, with all the exceptions, conditions, and limitations therein, except as is herein otherwise provided; and shall, after the plats thereof are returned to the office of the register, be offered for sale, after six months' public notice in the State of the time and place of sale under the laws, rules, and regulations now governing such sales, or such as may be hereafter prescribed: *Provided*, That where unsurveyed lands are claimed by preëmption, the usual notice of such claim shall be filed within three months after the return of the plats of surveys to the land offices, and proof and payment shall be made prior to the day appointed by the President's proclamation for the commencement of the sale including such lands, the entry of such claims to be made by legal subdivisions, according to the United States survey, and in the most compact form: *And provided further*, That the fact of persons having heretofore had the benefit of said act of the fourth of September, eighteen hundred and forty-one, shall interpose no bar to their obtaining the benefit of this act; and all of said lands that shall remain unsold after having been proclaimed and offered, shall be subject to entry at private sale as other public land, and at the same minimum price per acre; and the register and receiver shall not be entitled to any percentage or fees, except for deciding preëmption cases, when each of them shall not be allowed the same fees as are paid to other like officers; but the receiver shall be entitled to his actual necessary expenses going and returning in making his deposits: *Provided*, That nothing in this act shall be construed to authorize any settlement to be made on any public lands not surveyed unless the same be made within one year from the passage of this act; nor shall any right of such settlers be recognized by virtue of any settlement or improvement made of such unsurveyed lands subject to that day: *And provided further*, That this act shall not be construed to authorize any settlement to be made on any tract of land in the occupation or possession of any Indian tribe, or to grant any preëmption right to the same.

SEC. 7. *And be it further enacted*, That where any settlement, by the erection of a dwelling house or the cultivation of any portion of the land, shall be made upon the sixteenth and thirty-sixth sections, before the same shall be surveyed, or where such sections may be reserved for public uses or taken by private claims, other lands shall be selected by the proper authorities of the State in lieu thereof, agreeably to the provisions of the act of Congress approved on the twentieth of May, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain

townships and fractional townships, not before provided for," and which shall be subject to approval by the Secretary of the Interior. And no person shall make a settlement or location upon any tract or parcel of land selected for a military post, or within one mile of such posts, or on any other lands reserved by competent authority; nor shall any person obtain the benefits of this act by a settlement or location on mineral lands.

SEC. 8. *And be it further enacted*, That the public lands, not being mineral lands, occupied as towns or villages, shall not be subdivided, or subject to sale, or to be appropriated by settlers, under the provisions of this act; but the whole of such lands, whether settled upon before or after the survey of the same, shall be subject to the provisions of the act entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, except such towns as are located on or near mineral lands, the inhabitants of which shall have the right of occupation and cultivation only until such time as Congress shall dispose of the same; nor shall any lands specially reserved for public uses be appropriated under the provisions of this act.

SEC. 9. *And be it further enacted*, That whenever the public surveys, or any portion of them, authorized by this act, or by the act approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," are so required to be made, as to render it expedient to make compensation for the surveying thereof by the day, instead of by the mile, it shall be lawful for the Commissioner of the General Land Office, under direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, shall be necessary to insure the accurate and faithful execution of the work.

SEC. 10. *And be it further enacted*, That, except where the President of the United States shall see cause otherwise to determine, each officer to be appointed in virtue of this act, and also every other like officer of the United States, may continue in the uninterrupted discharge of his regular official duties, and is hereby authorized accordingly so to act, after the day of expiration of his official commission, and until a new commission shall be issued to him for the same office, or otherwise, until the day when a successor shall enter upon the duties of such office; and the existing official bond of any such officer so acting, shall be deemed and held to be good and sufficient, and in force until the date of the approval of a new bond to be given by him if recommissioned, or otherwise, for the additional time wherein he may so continue officially to act, pursuant to authority hereof. And the provision as to bonds to be given by deputy surveyors for the faithful execution of their duties, in a penalty of double the estimated amount of money accruing to them under their surveying contracts, as required by the act of March third, eighteen hundred and thirty-one, entitled "An act to create the office of surveyor general of the public lands for the State of Louisiana," referred to in the third section of this act, shall be and the same is hereby made applicable to public surveys in the State of California; and the sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor general; and the same provision is hereby extended to all other branches of the public surveying service elsewhere; and all such bonds heretofore required of deputy surveyors, according to usage in the surveying service, shall be deemed and held to be of the same validity as if the same had been required by law. And it is hereby made the duty of each of the respective surveyors general of the public lands of the United States, so far as is compatible with the desk duties of his office, occasionally to inspect the surveying operations while in progress in the field, sufficiently to satisfy himself from actual inspection, of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged, shall be allowed; and where it is incompatible with his other duties, for a surveyor general to devote the necessary to make a personal inspection of the work in progress, then he shall be and hereby is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars per day during the examination in the field: *Provided*, That such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor general, or any person employed in his office at a regular salary, shall be engaged in such special service, he or they shall only receive his necessary expenses in addition to his regular salary.

SEC. 11. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and required to cause to be provided for the office of the surveyor general of Oregon a seal, with such device as shall be deemed suitable, and copies of any papers on file in his office which may be authenticated by him under said seal, shall be evidence in all cases in which the originals would be evidence; and from and after the passage of this act the salary of said surveyor shall be three thousand five hundred dollars per annum.

SEC. 12. *And be it further enacted*, That the quantity of two entire townships, or seventy-two sections, shall be, and the same is hereby, granted to the State of California, for the use of a seminary of learning, said lands to be selected by the Governor of the State, or any person he may designate for that purpose, in legal subdivisions of not less than a quarter section of any of the unsold, unoccupied, and unappropriated public lands therein, subject to the approval of the Secretary of the Interior, and to be disposed of as the Legislature shall direct: *Provided, however*, That no mineral lands, or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act, shall be subject to such selection.

SEC. 13. *And be it further enacted*, That there shall be, and is hereby, granted to the State of California the quantity of ten entire sections of land, for the purpose of erecting the public buildings of that State, said lands to be selected by the Governor, or any person he may designate, in legal subdivisions of not less than a quarter section of any of the unsold, unoccupied, and unappropriated public lands in that State, and subject to the approval of the Secretary of the Interior: *Provided, however*, That none of said selections shall be made of mineral lands or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act.

APPROVED, March 3, 1853.

PUBLIC, XLVII.—*An Act to Establish certain Post Roads, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads, namely:

In Maine.—From Bristol, via Newcastle, to Pemaquid.

From Waldoboro', via South Waldoboro' and Friendship, to Cushing, in Lincoln county.

From Dexter, via West Dover, Dover South Mills, and Dover to Foxcroft.

From Presque Isle to Number Eleven, Range Five, (Aroostook.)

From the depôt of the Atlantic and Saint Lawrence Railroad, in Oxford, via Otisfield and Casco, to Naples.

From Waterboro' Centre, via Limerick and Limington, to Standish.

From Brooks, via Monroe, Ellingwood Corner, in Frankfort, and Hampden, to Bangor.

In New Hampshire.—From the Station House at Berlin Falls, passing up the Androscoggin river, via Berlin, Milan, Dummer, and Cambridge, to Errol, in Coos county.

From Portsmouth, via Rye, to Rye Beach.

In Massachusetts.—From Chester Village, Hampden county, via Ringville, to Worthington, in Hampshire county.

From Great Barrington to Alford, in Berkshire county.

From Great Barrington, via Forth Egremont, to Alford, in Bershire county.

In Vermont.—From Swanton, via Highgate, Franklin, East Franklin, West Berkshire, to Richford.

From Waterford to Littleton, New Hampshire.

From Stevens's Village to Lower Waterford.

From Barnet to Waterford Lower Village.

From Barton, by Barton Landing, down the Barton river, to West Derby, thence along the west shore of Lake Memphremagog, to the Canada line.

In Rhode Island.—From Pawtuxet, to Warwick Neck.

In Connecticut.—From Southbridge, Massachusetts, to Stafford depôt, in Connecticut.

From Rockville, via Tolland, West Willington, Willington Centre, Moose Meadow, Westford, North Ashford, West Woodstock, Village Corners, Dudley, to Webster, Massachusetts.

From Voluntown Centre, to the Starling post office, in the centre of Sterling.

In New York.—From Little Falls, via Salisbury Four Corners, to Graysville, in Herkimer county.

From Rough and Ready, via West Union, Joshua Slater's, in Troupsburg, and Brookfield post office, to Westfield post office, in Tioga county, Pennsylvania.

From Naples, Ontario county, via Riker Hollow to Prattsburg, in Steuben county.

From Poughkeepsie, via La Grangeville, Crouse's Store, in Union Vale, and Wait's Tavern, to South Dover.

From Three Mile Bay to Point Peninsula, Jefferson county.

From Panama, via Steadman's and Mayville, to Westfield, in Chautauque county.

From Owego, via Tioga and Barton, to Waverly, in Tioga county.

From Silver Creek, via Forestville and Charlotte Centre, to Gerry, in Chautauque county.

From Clayville, in Oneida county, via Babcock Hill, to West Winfield, in Herkimer county.

From Little Falls to Graysville.

In New Jersey.—From Hope to Columbia.

In Pennsylvania.—From Spring House Tavern to Sumneytown, in Montgomery county.

From Franklin, in Venango county, through Cranberry and Pinegrove townships, via Clinton Furnace post office, to Tylersburg, in Clarion county.

From Agnew's Mills to Cass, in Venango county.

From Pittsburg, via Etna, Dorseyville, Porter's Store, Carnahan's and Norris's and Riddle's, to Saxonburg, in Butler county.

From Safe Harbor, in Lancaster county, to Mastic Forge.

From Shippensville, Clarion county, via Emlenton, to Butler, Butler county.

From Shippensville, Clarion county, via Eden, Jefferson, Lamartine, Agnew's Mills, Emlenton, and North Hope, to Butler, in Butler county.

From Slate Lick, via Worthington, Armstrong county, to Cowansville.

From Warren, via Frewsburg, Jamestown, and Delanti, New York, to Dunkirk, New York.

From Robisonville, Pennsylvania, to Cumberland, Maryland.

From the borough of Indiana to Smicksburg, Indiana county.

From Norristown, Montgomery county, via Fairview Village, Perkiomen Bridge, Schwenck's Store, Pennsburg, Hereford, Lionville, Macungie, and Trixenstown, to Foglesville, in Lehigh county.

From Hanover, via McSherrytown and Bunoughystown, to Gettysburg.

From Slate Lick, Armstrong county, to White's Eddy, on the Alleghany river.

From Bristol, Bucks county, via Fallsington and Centreville, to Yardleyville, in same county.

From Elkland, Tioga county, via Farmington, to Crooked Creek.

From Mansfield to Wellsburg, Tioga county.

The Cleveland, Painesville, and Ashtabula railroad, in the State of Ohio, and, in continuation, that division of the railroad of the Franklin Canal Company which extends from the city of Erie, State of Pennsylvania, to the west line of the said State, be, and the same is hereby, declared a post route.

The Safe Harbor route, in the county of Lancaster, State of Pennsylvania, be, and the same is hereby, extended, by the way of Liberty Square post office, to Buck post office, in said county.

In Virginia.—From Princeton to Wytheville, in Wythe county.

From New Castle to the Tavern House of James Scott, in Craig county.

From Logan Court-house, via Guyan river, to Guyandotte, in Cabell county.

From Kent & McConkey's store, in Montgomery county, up the south fork of Roanoke river, via Burnett's Springs, to Simpson's, in Floyd county.

From Mercer Court-house to Princeton.

From West Union, via Roash's and Letart's Falls, to Moore's Mills, in Jackson county.

From Luray to Valleysburg, in Page county.

From New Creek Depôt, on the Ohio and Baltimore railroad, via Greenland, to Petersburg.

From Aldie to Snickersville, in Loudoun county.

From Upshur Court-house, via Beechtown, French Creek, Walkerville, Cunningham's, thence to Alexander Skinner's, on Oil Creek, down Oil Creek to the Little Kanawha river, to Gilmer Court-house.

From Sistersville, via Middlebourne and Shirley, to New Salem.

From Putnam Court-house, via Hurricane Bridge and Sycamore Grove, to intersect the route from Kanawha Court-house to Wayne Court-house.

From Gordonsville, via the turnpike road and Madison Court-house, to New Market, in Shenandoah county.

From Capon Bridge to Hook's Mills.

From Kilmarnock to White Stone, in Lancaster county.

From Mud Bridge, in Cabell county, to Boon county Court-house.

In Maryland.—From Cumberland, via Pleasant Grove, Flint Stone, Elbensville, to Robisonville, Pennsylvania.

From Addison, in the State of Pennsylvania, via Shelbysport and Accident, to Oakland, on the Baltimore and Ohio railroad.

In North Carolina.—From Gourd Vine, via Morgan's Mills and Love's Level, to Clear Creek post office, in Cabarras county.

From Gilchrist's Bridge to Blue's Bridge, Richmond county.

From Albemarle to Swift Island post office, Montgomery county.

From Greensboro' to Madison, in the county of Rockingham.

In South Carolina.—From Little River, Horry district, to Whitesville, in North Carolina.

From Conwaysboro', via Lake Swamp and Floyd's Mills to Fair Bluff, Columbus county, North Carolina.

From Lynche's Lake, in Williamsburgh district, to Baker's, near Lynchburg, in Sumter district.

In Georgia.—From Thomasville, via Eastwood, to Micosukee, Florida.

From Thomasville to Bainbridge, in Decatur county.

From Thomasville, via Monticello and Ancilla, in Jefferson county; Jenninge, Jasper, and White Springs, in Hamilton county, to Alligator, in Columbia county; then connecting with the route already established between Tallahasse and Jacksonville.

From Ellejay, Gilmer county, via David Westfield's, to Cleveland, in Bradley county, Tennessee.

From Eatonton to Monticello.

From Monticello to Indian Springs.

From Blairsville, in the county of Union, via Young Cane, Stock Hill, Tekenetly, Carticay, (at William Fatham's,) and Falling Rock, intersecting with route number three thousand three hundred and fifty-three.

From Butler, in Taylor county, via Wilcher's Mills, in Tazewell, to Buena Vista, in Marion county.

From Rome to Centre, the county seat of Cherokee county, Alabama, along the road commonly called the river or Bluff road, via Thomas's and Carroll's Mills, to Oseola post office, Howell's store, and Centre, in lieu of the present mail route from Cedar Bluff to Cave Spring, Georgia.

In Alabama.—From Fayette Court-house, via James Middleton's and Joel Hawkin's, to Moscow.

From Troy, Pike county, via Elbar and Old Town, Coffee county, to Geneva.

From Eufaula, via Otho, to Franklin.

In Mississippi.—From Union Church to Pine Grove, in Franklin county.

From Aberdeen, via Houston, Greensboro', Kilmichael, Ceralvo, Shongalo, Benton, and Franklin, to Yazoo City.

From Ripley to Moor's Cross Roads, Tennessee.

From Pontotoc, via New Albany and Ripley, to La Grange, in Tennessee.

From Pontotoc, via Ripley, to La Grange, Tennessee.

From Aberdeen to Yazoo City.

From Fulton to Thomson's store, in Itawamba county, via the Cross Roads and Maxcy's Mill, to Fulton.

In Louisiana.—From mouth of Red river, via Cheneyville, Hineston, Huddleston, and Burr's Ferry, to Huntsville, Texas.

In Ohio.—From Wooster, via Cooper, Cedar Valley, Congress, West Salem, Albionville, Homerville, Spencer, Penfield, and La Grange, to Elyria.

From Elyria, via Laporte, Grafton Station, Grafton, Litchfield, Chatam Centre, Lodi, and Burbank, to Wooster.

From Wooster, via Ashland, to Mansfield,

From Wooster, via Robinson's Wollen Factory, Uniontown, and Lafayette, to Savannah, in Ashland county.

From Canton, via North Industry, Sparta, Sandyville, Zoar, and Canal Dover, to New Philadelphia, Tuscarawas county.

From Mount Gilead, via Barne's Corners, Harmony township, to Sparta.

From Stratsburg, via Frieburg, to Paris.

From Barlow's Cross Roads, via Belpre and Veto Post Office, to Centre Belpre, in Washington county.

From Canaansville, to North Union Office, Washington county.

From Marysville, via Mount Victory, Kenton, and Mount Washington, down Eagle creek, to Findlay, Hancock county.

From Lavona, via Lena, German Centre, in Fulton county, Lockport, and Pulaski, to Bryan, in Williams county.

From Lancaster, via Clearport and Middlefork, to Perry, in Hocking county.

From Eagle, in Hancock county, to Lima, in Allen county.

From Newark, via Thornville, Somerset, and Maxville, in Perry county; Logan and Plymouth, in Hoking county; McArthur and Charleston, in Vinton county; Berlin and Jackson, in Jackson county; and Sciotoville to Portsmouth, in Scioto county.

From Ripley, in Brown county, via Decatur, Eckmansville, and North Liberty, in Adams county, to Youngstown.

In Kentucky.—From Paris to Flat Rock, in Bourbon county.

From Star Furnance, via Amanda, Bellefonte, and Buena Vista, to Ironton, Lawrence county, Ohio.

From Grayson, via Buffalo Furnace, Laurel Furnace, and Raccoon Furnace, to Greenupsburg.

In Tennessee.—From Jones's Cross Roads to New Canton, Hawkins county.

From Centerville, via Beardown creek, Macedonia, and McCoy's, to Butt's Landing, Perry county.

From Jonesboro,' via Buffalo Ridge, to Gott's Cross Roads, in Sullivan county.

From Shady to Elizabethton, in Carter county.

From Lexington, via W. H. Lessenberry's, David T. Spain's, South Carrol, Lavinia, Hope Hill, and Bluff Springs, to Trenton, in Gibson county.

From Knoxville, by the most direct and practicable route, in the judgment of the Postmaster General, to Danville, Kentucky.

From Knoxville, via Marysville, Montvale Springs, to Anderson Court-house, South Carolina.

From Knoxville, via Lyon's Store, Calloway's, and Gallagher's, to Kingston.

From Jasper to the point where the Nashville and Chattanooga railroad crosses the Tennessee.

From Sweetwater to Madisonville.

In Indiana.—From Poland to Reelsville, in Putnam county.

From Freeport, via Nicholas Kerns's and L. J. Reeves's, to Pleasant View, in Shelby county.

From Bowling Green to Brazil, in Clay county.

From Wabash, via Somerset, Xenia, and Jerome, to Tipton, in Tipton county.

From Midway, on the Indianapolis and Lafayette railroad, via Jefferson and Frankfort, Michigan Town.

From Point commerce, via Middleburg, to Bowling Green.

In Illinois.—From Murphysborough, via Carbondale, to Marion, in Williamson county.

From Pittsfield, via Griggsville, to Naples, Scott county.

In Missouri.—From Bloomington to Edina, in Knox county.

From Spanish Prairie to Iberia, in Miller county.

From Linneus to Kirksville, in Adair county.

From Linneus to Trenton.

From Richmond, via Kingston, to Gallatin, Daviess county.

From Hillsboro' via Morse's Mills, to Grubville, Jefferson county.

In Arkansas.—From Carrollton to Rock Bridge, in Missouri.

From Dover, via Borland, to Yellville.

From Yellville, Marion county, eastwardly, via William S. Jones's, at Bennett's river, Fulton county, crossing the Big North Fork of White river, at Albin Gordon's Ferry.

From Hurricane post office, via James Brunton's, to Dover, a distance of about eighteen miles.

From Danville to Felix Grundy Gaines's.

From Little Rock, via Springfield, to Clinton.

From Fulton, in Hempstead county, to Rocky Comfort, in Sevier county.

From Rock Port to Lost Creek.

From Danville, via William Park's, in Yell county, and Milton Gilbreath's, to Felix Grundy Gaines's.

From Van Buren, via Joseph Brant's, in Crawford county, and Lee C. Blackamore's, to Fayetteville.

From Murfreesboro' to Adams, in Ohachola county.

In Michigan.—From Manchester to Chelsea, in Wastenaw county.

From Manchester to Grass Lake.

From Bronson's Prairie to Orland, Steuben county, Indiana.

In Florida.—From Madison Court-house to Clay's Landing.

From Pensacola to the navy-yard.

From Oglethorpe, via Cuthbert, Blakely, in Georgia, Woodville, in Alabama, to Marianna, distance about one hundred and twenty miles.

From Monticello to Thomasville, Georgia.

From Tampa to Old Tampa Bay.

From Madison Court-house, via Charles Mills, Charles Ferry, and New Boston, by the most direct route, to Clay's Landing.

From Appalachicola, Florida, to Bainbridge, in Georgia.

From Pensacola, via Escambia, to Belleville, Alabama.

From Tampa, via Thomas P. Kennedy's store, via Jacob Summerlin's store, to Fort Mellon.

From Tampa to Old Fort Mellon.

From Fort Dade to Springfield, on to Bay Fort.

In Texas.—From Brenham, via Long Point and Cameron, to Caldwell, in Burleson county.

From Rock Island, in Austin county, to Brenham, in Washington county.

From Coffeeville to Hopewell.

From Sherman to Washita, in Grason county.

From Centreville to Corsicana.

From Swartwout to Cold Springs.

From Wheelock, via Marling, to Waco Village.

From the mouth of Red river, in Louisiana, to Huntsville, Texas.

From Marshall to Waco Village.

From Marshall, Harrison county, via Henderson, in Rush, Tyler, in Smith county, Canton, in Vansant county, Cedar Grove, in Kaufman county, Millwood, in Colvin county, via McKenny, to Sherman, in Grayson county.

From Palestine, in Anderson county, to Athens, in Henderson county, via Kaufman, in Kaufman county, to Millwood, in Collin county, thence through the Scarcy's Settlement to Bonham, in Fanning county.

From Houston, via Oyeta Creek, to Big Creek.

From Montgomery, the county seat of Montgomery, via Cold Spring, in Polk county, via Danville and Sparta, in Walker county, to Montgomery.

From Georgetown, in Williamson, to "Gabriel Knob," a new post office now established in said county, to Hamilton, in Burnett county.

From Shreeveport, Louisiana, to Austin.

From Washington, via Caldwell, to Cameron, in Cameron county.

From Frontera to San Francisco, in California.

From Matagorda, via Brazoria, Cedar Lake, and Sugar Land post office, back to Matagorda.

In Iowa.—From Newton, via Timber Creek, to Marietta, Marshall county.

From Columbus city, in Louisa county, to Yatton, in Washington county,

From Sabula, via Sterling, to Maquoketa, in Jackson county.

From West Union, in Fayette county, via Clermont, to McGregor's Landing, in Clayton county.

From Monona, via Smithfield and Rossville, to Lansing.

From Monona to Columbus.

From Prarie du Chien, via Paint Rock, Rossville, and Smith's Mill, to Moneek.

From Copper Harbor to Ontonagon, Lake Superior.

From Drakesville, via Unionville, Chariton, Douglas, and Lewis to Kane,

From Marietta to the county seat of Hardin county.

From Colesburg, via Yankee Settlement, Strawberry Point, and Westfield, to West Union.

From New London, in Henry county, via Pleasant Grove, Dodgeville, Yellow Springs, and Kossuth, to Hickory Point, in Des Moines county.

From Fort Madison, via Denmark, Parrish, Danville, Pleasant Grove township, in Des Moines county, to Rising Sun, Louisa county.

From Independence to Cedar Falls.

From Boonsboro' to Dakotah.

From Monona, via Hardin and Makee, to Lansing.

From Fort Des Moines, via Lewis, to Council Bluff.

From Hawk Eye, via Black Eye, to Muscatine.

From Muscatine to Columbus City.

From Delhi, via Quasqueton, to Fort Des Moines.

From Delhi, via Independence, to Cedar Rapids.

From Delhi, via Coldsburg, to Garnaville.

From Delhi, via Hartwick and Erin, to Quasqueton.

From Iowa City, via Old Man's Creek and Millersburgh, to Montezuma.

From Sabula, via Maquoketa and Thomas Greene's, in Jones county, to Anamosa.

From Dubuque, via Benton and Shulsburgh, to Janesville, Wisconsin.

From Dubuque to Dyerville.

In Wisconsin.—From Lancaster, via Bee Town and Charlotte, in Grant county, to Wyocena.

From Highland, via Richland City and Sextonville, to Richland Centre, in Richland county.

From Potosi, via Rockville, Ellenboro', Clifton, Mifflin, and Linden, to Mineral Point, in Iowa county.

From Warsaw to Shawno, on Wolf river.

From Prairie du Chien, via Lacrosse, Lewis's Mills, Douglass's Mills, Eau Gallet, Mills, Rush River Settlement, Prescott, and Point Douglas, to Saint Paul's, Minnesota Territory.

From Cassville, via Beertown, Lancaster, New California, and Mifflin, to Mineral Point, in Iowa county.

From La Crosse, in the county of La Crosse, to Onalaska.

From Prairie du Chien, via Boydstown, Richland Creek, and Richmond, to Muscoda.

From Portage city, in Columbia county, via Beaver Creek, Crooked Lake, Buena Vista, and Plover, to Stevens's Point, in Portage county.

In Oregon Territory.—From Salem, via Doke's Ferry, to Lafayette.

The mail route from Panama to Astoria is hereby extended to Fort Stilacoom and Olympias, on Puget's Sound.

SEC. 2. *And be it further enacted*, That the Postmaster General be authorized and required to establish a mail between Bainbridge and Appalachicola.

SEC. 3. *And be it further enacted*, That all railroads and parts of railroads which are now or hereafter may be in operation be, and the same are hereby, declared to be post roads; and the Postmaster General may contract for carrying the mails thereon according to existing laws.

SEC. 4. *And be it further enacted*, That the Auditor of the Treasury for the Post Office Department be, and he is hereby, authorized to allow the postmaster at Richmond, Virginia, and the postmaster at Cleveland, Ohio, the same commission on all mailable matter distributed at their respective offices as is allowed by law to the postmasters of the other distributing offices; such allowance to date from the first day of June, one thousand eight hundred and fifty-one.

SEC. 5. *And be it further enacted*, That hereafter, as the office of Assistant Postmaster General, or either of them, shall be vacated, the appointment of his successor shall be made by the President of the United States, by and with the advice and consent of the Senate.

SEC. 6. *And be it further enacted*, That from and after the first day of April next, in place of the compensation now allowed deputy postmasters, the Postmaster General be, and is hereby, authorized to allow them commissions at the following rates on the postage collected at their respective offices, in each quarter of the year, and in due proportion for any period less than a quarter, viz: on any sum not exceeding one hundred dollars, fifty per cent.; but any postmaster, at whose office the mail is to arrive regularly between the hours of nine o'clock at night and five o'clock in the morning, may be allowed sixty per cent. on the first hundred dollars; on every sum over and above one hundred dollars, but not exceeding four hundred dollars, forty per cent.; on every sum over and above four hundred dollars, but not exceeding twenty-four hundred dollars, thirty-five per cent.; on every sum exceeding twenty-four hundred dollars, fifteen per cent. And on the amount of postage on letters and packages received at a distributing office for distribution may be allowed ten per cent. Every postmaster whose compensation shall not exceed five hundred dollars in one quarter, shall be allowed one cent for every free letter delivered out of his office, excepting such as are for the postmaster himself. But the special allowance now made by law to the postmaster at New Orleans and Washington city shall not otherwise be either increased or diminished. Each postmaster who shall be required to keep a register of the arrival and departure of the mails shall be allowed ten cents for each monthly return which he makes to the Postmaster General. Each postmaster may be allowed two mills for delivery from his office to a subscriber of each newspaper not chargeable with postage: *Provided*, That the commissions and allowances hereby authorized shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department," approved March the third, eighteen hundred and twenty-five.

SEC. 7. *And be it further enacted*, That any person who shall forge or counterfeit any postage stamp printed or impressed upon any letter envelope authorized by the eighth section of an act entitled "An act to establish certain post roads, and for other purposes," approved August thirty-first, eighteen hundred and fifty-two, or by any other act, or who shall counterfeit any die, plate, or engraving therefor, or who shall make or print, or knowingly use or sell, or have in his possession with intent to use or sell, any such false, forged, or counterfeited die, plate, engraving, or stamped envelope, or who shall make or knowingly use or sell or have in his possession with intent to use or sell, any paper bearing the water mark of such letter envelopes, or any fraudulent imitation thereof, or who shall make or print, or authorize or procure to be made or printed, any stamped or printed letter envelope of the kind provided by the Postmaster General under the authority aforesaid, without the especial direction of the Post Office Department, or who, after such letter envelopes have been prepared or printed, shall, with intent to defraud the revenues of the Post Office Department, deliver any such letter envelopes to any person or persons other than such as shall be authorized to receive the same by instrument of writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department, shall, on conviction thereof, be deemed guilty of felony, and be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment.

SEC. 8. *And be it further enacted*, That it shall be the duty of every postmaster to cause to be defaced, in such manner as the Postmaster General may direct, all letter envelopes with postage stamps thereon which may be deposited in his office for conveyance in the mail; and if any postmaster sending such envelopes in the mail shall omit to deface the same, it shall be the duty of the postmaster to whose office such envelopes shall be sent for delivery to deface them, and report the delinquent postmaster to the Postmaster General. And if any person shall use, or attempt to use, for the conveyance of any letter or other mailable matter or thing, over any post road of the United States, either by mail or otherwise, any such stamped letter envelope which has been before used for a like purpose, such person shall be liable to a penalty of fifty dollars, to be recovered, in the name of the United States, in any court having competent jurisdiction.

APPROVED, March 3, 1853.

PUBLIC, XLVIII.—*An Act to authorize the Correction of Erroneous Locations of Military Bounty Land Warrants by Actual Settlers on the Public Lands in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where an actual settler on the public lands has sought or shall hereafter attempt to locate the land settled on and improved by him, with a military bounty land warrant, and where, from any cause, an error has occurred in making such location, said settler shall be authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same shall then be vacant, and if not, upon any other vacant land, in making proof of those facts to the satisfaction of the land officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land Office, and subject to his final adjudication.

SEC. 2. *And be it further enacted*, That the provisions of the act of third March, eighteen hundred and nineteen, "providing for the correction of errors in making entries of land at the land offices," and of the act of twenty-fourth May, eighteen hundred and twenty-eight, supplementary to said act of third March, eighteen hundred and nineteen, shall be, and the same are hereby, made applicable to errors in the location of land warrants.

APPROVED, March 3, 1853.

PUBLIC, XLIX.—*An Act to provide for Additional Clerks, and extend the Sessions of the Legislative Assembly of the Territory of New Mexico.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assembly of the Territory of New Mexico shall hereafter have authority to employ one person as a translator and interpreter, and two clerks in addition to the number they are now authorized to employ for each House during their session; and that the accounts and charges for said translator and inter-

preter and clerks shall be audited and settled in the same manner and upon the same principle as is provided by law for auditing and settling the accounts and charges of other and similar officers and attendants of said Assembly.

SEC. 2. *And be it further enacted*, That of the four clerks to be employed in each House of said Assembly, two shall be qualified to write in the Spanish and two in the English language.

SEC. 3. *And be it further enacted*, That the accounts and charges of the translator and interpreter, and the extra clerks which were employed in each House during the last session of said Assembly, shall be audited and allowed by the Secretary of the Treasury, and paid in the same manner and upon the same principle as is provided by law for the auditing and paying of the accounts of other and similar officers and attendants of said Assembly.

SEC. 4. *And be it further enacted*, That the said Legislative Assembly shall hereafter be authorized to continue their sessions for a term not exceeding sixty instead of forty days, as heretofore provided.

SEC. 5. *And be it further enacted*, That said Legislature of New Mexico shall cause to be allowed the commissioners heretofore appointed to draft a code of laws such compensation as may be just and reasonable, and which, when so allowed, shall be paid out of the funds appropriated to defray the expenses of said Territory.

APPROVED, March 3, 1853.

PUBLIC, L.—*An Act to Appropriate Lands for the Support of Schools in certain Townships and fractional Townships in the Territory of Minnesota, not before provided for.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in those townships and fractional townships in the Territory of Minnesota where sections numbered sixteen and thirty-six, or either of them, directed to be reserved for school purposes by the eighteenth section of the act approved third of March, one thousand eight hundred and forty-nine, entitled "An act to establish the Territorial Government of Minnesota," shall be found fractionally in quantity, and in those or fractional townships where no section sixteen or thirty-six shall be found therein, there shall be reserved and appropriated other land for such school purposes, to make up, in the first case, the deficiency in the quantity of said fractional sections sixteen and thirty-six, or either of them, and to give, in the second case, an equivalent for the loss of either or both said sections: *Provided*, That the mode and manner of selection and approval in both cases, and the quantity selected in the second case, shall be in accordance with the principles settled by the act approved twentieth May, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for."

APPROVED, March 3, 1853.

PUBLIC, LI.—*An Act authorizing the Governor of the Territory of New Mexico to call an Extra Session of the Legislative Assembly of said Territory, should the same be deemed necessary and expedient.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the Territory of New Mexico, should he deem the same necessary and expedient, be and he is hereby authorized and empowered to call one extra session of the Legislative Assembly of said Territory, not to exceed ninety days in duration, anything to the contrary notwithstanding which may be contained in the act approved September ninth, eighteen hundred and fifty, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial Government for New Mexico:" *Provided*, Said extra session shall not be held during the sitting of any regular session of said Legislative Assembly: *And provided further*, That said extra session shall be held and concluded prior to the first Monday of December, eighteen hundred and fifty-three.

APPROVED, March 3, 1853.

PUBLIC, LII.—*An Act to revive and continue in force for a limited time the provisions of an act relative to Suspended Entries of Public Land.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several provisions of the act approved third August, eighteen hundred and forty-six, entitled "An act providing for the adjustment of all suspended preëmption land claims in the several States and Territories," be and the same are hereby revived and continued in force for the term of ten years from the date hereof, and those provisions are hereby declared applicable as well to cases which were inadvertently omitted to be acted on under said act, as to those of a like character and description which have arisen between the date of said act and the present time, and shall be regarded as applying to locations by bounty land warrants, as well as to ordinary entries or sales.

SEC. 2. *And be it further enacted*, That in all cases were patents have been issued on entries which were entitled to be confirmed under said act, such patents may be surrendered, and the officers at the time of such surrender, who by said act are constituted the board of adjudication; are hereby authorized and empowered to confirm such entries; and upon the cancelling of the outstanding patent, the Commissioner of the General Land Office is hereby authorized to issue a new patent, on such confirmation, to the persons who made such entries, to their heirs or to their assigns.

APPROVED, March 3, 1853.

PUBLIC, LIII.—*An Act authorizing the Sale of certain Reserved Lands in Alabama.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands lying in Clarke county, in the State of Alabama, which have been reserved from sale as cedar lands, under and by virtue of "An act making reservation of certain public lands to supply timber for naval purposes," approved March first, eighteen hundred and seventeen, shall hereafter be liable to be sold in the same manner and under the same provisions and restrictions as other public lands of the United States.

APPROVED, March 3, 1853.

PUBLIC RESOLUTIONS.

[No. 1.]—*A Resolution Explanatory of an Act supplementary to an Act approved the twenty-third day of May, eighteen hundred and fifty.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act supplementary to an act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and provide for their future apportionment among the several States," approved twenty-third May, eighteen hundred and fifty, be so construed that no allowance as compensation be made to any person for constructive or any other services rendered as Secretary to the Census Board after the first day of June, eighteen hundred and fifty.

APPROVED, December 23, 1852.

[No. 2.]—*Joint Resolution authorizing the settlement of the Account of the Public Printer, for paper used by him since the first of November, eighteen hundred and fifty-two.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounts of the Public Printer, for paper furnished and used by him since the expiration of the time specified in the sixth section of the "Act making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and fifty-three," and also for the paper to be furnished and used by him until the Superintendent of the Public Printing shall commence furnishing and delivering to him paper to be used for the public printing, be settled and paid as the accounts of the Public Printer have been settled and paid, under the said sixth section of said act, and as is provided for in said sixth section.

APPROVED, December 23, 1852.

[No. 3.]—*A Resolution explanatory of the Act appropriating Money for the Removal of the Raft of Red River.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act making appropriations for the improvement of certain harbors and rivers," approved August thirtieth, eighteen hundred and fifty-two, as relates to Red River, be so construed as to authorize the Secretary of War to award the contract for the removal of obstructions to the navigation of said river occasioned by the raft, to the person or persons who, for the amount of the appropriation, will agree to remove said obstructions, and keep said navigation free from the same for the longest period of time; said contract to be awarded after reasonable public notice.

APPROVED, January 7, 1853.

[No. 4.]—*A Resolution in relation to the Census Returns from the State of California.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to append the census returns of the State of California, made by that State, to the report thereof, now in course of preparation at the Census Office.

APPROVED, January 7, 1853.

[No. 5.]—*A Resolution allowing in certain cases to the owners of Steamers further time to make the necessary preparations to bring their vessels within the provisions of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the better Security of the Lives of Passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" approved August thirtieth, eighteen hundred and fifty-two.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any inspector of steamers, appointed under the act aforesaid, if not furnished seasonably with the necessary means of discharging his duty, or who shall be satisfied when an enrolled, licensed, or registered steamer is inspected by him, and found deficient in the requirements made by said act, that such omissions are not occasioned by any fault or neglect of the owner or master, he may grant, upon application therefor, or of his own accord, such further reasonable time after said act goes into effect, as he may deem sufficient with due diligence to make all necessary preparations to make any such vessel, her machinery and equipment, conform to the provisions of said act: *Provided*, The time so allowed shall in no case exceed ninety days after the first day of January, eighteen hundred and fifty-three.

SEC. 2. *And be it further resolved*, That no such vessel so allowed further time for preparation, shall be liable to seizure or to any penalty under said act during the time specified, for any deficiency intended to be covered by the extension of time granted by such inspector.

APPROVED, January 7, 1853.

[No. 6.]—*A Resolution for the Appointment of Regents in the Smithsonian Institution.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the appointment of Alexander Dallas Bache, a member of the National Institute, and resident in the City of Washington, and John MacPherson Berrien, of the State of Georgia.

APPROVED, January 13, 1853.

[No. 7.]—*A Resolution Explanatory of the Appropriation for the Improvement of the Mouth of the Sekonk River and Harbor of Providence, Rhode Island.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the clause in the "Act making appropriations for the improvement of certain harbors and rivers," approved thirtieth of August, eighteen hundred and fifty-two, making an appropriation "for removing a rock near the mouth of the Sekonk River, harbor of Providence, Rhode Island," be construed to authorize the removal of any rock or other obstructions at the crook or the entrance or mouth of Sekonk River, harbor of Providence, and State of Rhode Island.

APPROVED, January 20, 1853.

[No. 8.]—*A Resolution to provide for straightening the Eastern Boundary Line of the Naval Hospital lands at New York.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and empowered, on the part of the United States, to carry into full effect an arrangement made with the coterminous proprietors, whereby a certain part of the eastern boundary of the lands of the Naval Hospital at New York is straightened, as will appear by reference to a map, signed by the said proprietors and the commissioners for running the said line, on the twenty-eighth of November, eighteen hundred and forty-eight, and approved by the Secretary of the Navy on the eighteenth of December, eighteen hundred and forty-eight, so that without any pecuniary consideration from the one to the other, the slips of land on the south and west sides of said line, according to said plan, shall become the property of the United States, and so much on the other side as now belongs to the United States shall become the property of the abutting proprietors respectively.

APPROVED, March 2, 1853.

[No. 9.]—*A Resolution in Amendment of a Joint Resolution relating to the duties of Inspectors of Steamers, approved the seventh day of January, eighteen hundred and fifty-three.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the inspectors of steamers to exercise the powers conferred upon them by a joint resolution of Congress, approved the seventh day of January, eighteen hundred and fifty-three, subject to all the restrictions and limitations therein contained: *Provided*, That the time granted to applicants shall in no case extend beyond the first day of June next.

SEC. 2. *And be it further resolved*, That the said inspectors may approve of boilers and steam pipes made prior to the first day of July next, and subsequent to the passage of the act approved the thirtieth of August, eighteen hundred and fifty-two, entitled "An act to amend an act entitled an act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes," if the same be not made with stamped iron: *Provided*, It shall appear that stamped iron could not be seasonably procured.

SEC. 3. *And be it further resolved*, That the said inspectors shall hereafter be authorized and empowered, upon satisfactory proof that the owner or owners of a steamer are unable to obtain seasonably, or upon reasonable terms, a metallic lifeboat, as required by said act, or that such a boat is unsuited to the navigation in which a steamer is employed, to accept in any such case a substitute or substitutes for such metallic life-boat: *Provided*, Such substitute shall in their judgment afford safe and suitable means of preserving life in case of accident.

SEC. 4. *And be it further resolved*, That no person interested as patentee, in any way, direct or indirect, in life-preservers, life-boats, or any other article required for steamers by the law of August thirtieth, eighteen hundred and fifty-two, aforesaid, shall be deemed competent to hold the office of inspector or to discharge the duties thereof.

APPROVED, March 3, 1853.

[No. 10.]—*A Resolution for the Relief of the Spanish Consul and other subjects of Spain, residing at New Orleans, and of subjects of Spain residing at Key West, by indemnity for losses occasioned in the year eighteen hundred and fifty-one.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, requested to cause an investigation to be made of any losses that may have been sustained by the Consul of Spain and other persons residing at New Orleans or at Key West, in the year eighteen hundred and fifty-one, and who, at that time, were subjects of the Queen of Spain, by the violence of individuals arising out of intelligence then recently received at those places, of the execution of certain persons at Havana, in Cuba, by the Spanish authorities of that Island, and that such losses, so ascertained, to persons at that time subjects as aforesaid, on the certificate of the Secretary of State, that the same are proven to the satisfaction of the President, together with the reasonable costs of the investigation, shall be paid to those entitled, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

[No. 11.]—*A Resolution providing for the Printing and Binding of the "Returns of the Seventh Census."*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed by the Public Printer, under the supervision of the Superintendent of the Public Printing, so much of the abstract of the "returns of the Seventh Census" as is recommended to be printed by the report of the Select Committee of the Senate, made June twenty-eight, eighteen hundred and fifty-two, and in the manner therein prescribed, (the "History and Statistics of the State of Maryland, according to the 'returns of the Seventh Census' of the United States," with the alterations recommended by the committee, being taken as the sample,) that is to say:

First. Omit the "Historical Account," the "History and Description of Counties," the "Sketch of Geology," and the remarks with the heading "Population" (of the State of Maryland) prefixed to the tabular statements, embracing twenty-two pages, from one to twenty-two, both inclusive, with the exception of the tabular statement at page twenty, showing the progress of population from seventeen hundred and ninety to eighteen hundred and fifty, which shall be retained.

Second. Insert the tabular statements of population covering from page twenty-three to page twenty-six, both inclusive.

Third. Omit the tabular statements from page twenty-seven to page thirty, both inclusive, and substitute tables showing the nativity of the inhabitants of the State, without reference to local residence, giving the sex and color, similar to the table headed "Recapitulation," at page thirty-five.

Fourth. Omit the tables relating to the deaf, dumb, blind, insane, and idiotic, occupying from page thirty-one to page thirty-four, both inclusive; retain the table headed "Recapitulation," on page thirty-five, and omit that headed "Manumitted and fugitive slaves," on the same page; retain the table headed "Professions, occupations, and trades," on page thirty-six, and tables headed "Agricultural productions," on pages thirty-seven and thirty-eight.

Fifth. Omit the tables of "Industrial establishments," from page thirty-nine to page sixty-two, both inclusive.

Sixth. Omit tables headed "Real and personal estate and taxes," "Wages," and "Pauperism and crime," on pages sixty-three and sixty-four; omit the column which professes to give the "Private libraries," in the statement headed "Libraries," retaining the residue, and retaining, also, the statement headed "Newspapers and periodicals," on page sixty-four, and the statements headed "Education" and "Churches," on pages sixty-five to sixty-eight, both inclusive.

Seventh. Omit medical statistics, life-tables, etc., to the end of the work.

Eighth. There shall be prepared and published tabular statements, showing the population alone in the local subdivisions of States less than counties, such as towns, townships, hundreds, etc., wherever the returns are sufficient, for their formation.

Ninth. The condensed tables for the United States, shall conform to the alterations suggested in the detailed tables for the States.

Resolved, further, That there be printed, in addition to the number usually ordered of the public documents, seven thousand copies for the use of the Senate and ten thousand copies for the use of the House of Representatives: *Provided*, That the cost of composition for plain matter shall not exceed the sum of sixty-two and a half cents per thousand ems, the cost of composition for tabular statements shall not exceed the sum of seventy cents per thousand ems, and the cost of press-work shall not exceed the sum of forty-four and sixty-five one hundredths cents per thousand quarto pages.

Resolved further, That the entire work hereinbefore ordered shall be printed in a compact quarto form, upon paper measuring not less than twenty-six by thirty-eight inches, weighing forty-eight pounds to the ream of four hundred and eighty sheets, and of the quality now used for the extra copies of documents ordered to be printed by Congress; the type to be used to be brevier, except for the headings of the several columns of the tabular statements, the notes, and such tables as will not appear to advantage in brevier, which shall be printed in nonpareil; and that, in all other respects, except those hereinbefore specified, the work shall be executed according to the provisions of the act entitled "An act providing for executing the public printing, and establishing the prices thereof, and for other purposes," approved August twenty-sixth, eighteen hundred and fifty-two.

Resolved further, That the binding of the work hereinbefore mentioned shall be executed under the direction of the respective committees on printing for each House, and shall be paid for out of the contingent fund of the two Houses of Congress, as is now prescribed by law.

APPROVED, March 3, 1853.

PRIVATE ACTS.

[No. 1.]—*An Act authorizing the Secretary of the Treasury to issue a Register to the barque Queen of Dundee, to be called Kate Wheeler.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be issued, under the direction of the Secretary of the Treasury, a register for the barque Queen of Dundee, formerly a British vessel, but now owned by David K. Arey, a citizen of the State of Maine, which vessel was wrecked at Cape Cod, and condemned, and which he has repaired and fitted for sea; said vessel to be called, in the register to be issued, Kate Wheeler: *Provided*, It shall be proved to said Secretary that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three fourths of the value of the same when so repaired.

APPROVED, December 16, 1852.

[No. 2.]—*An Act for the Relief of James A. Fawns.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, directed to adjust and settle the account of James A. Fawns, late acting purser on board the United States brig Bainbridge; allowing to his credit, on the books of the Treasury, the pay and rations of a purser during the time he acted as such.

APPROVED, December 23, 1852.

[No. 3.]—*An Act granting to the Sackett's Harbor and Ellisburg Railroad Company the right of way through the Military Reservation at Sackett's Harbor, New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the right of way through the public lands of the United States lying in the village of Sackett's Harbor, in the county of Jefferson, and State of New York, be, and is hereby, granted to the Sackett's Harbor and Ellisburg Railroad Company: *Provided*, That in the opinion of the President of the United States, such grant be not injurious to the public interests, and that the location shall be approved by the President as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if, at any time after its completion, the said railroad be discontinued or abandoned, the grant shall cease and determine.

APPROVED, January 7, 1853.

[No. 4.]—*An Act for the Relief of Osborn Cross, of the United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, in adjusting the accounts of Osborn Cross, a quartermaster in the United States Army, to give him credit for a sum equal to the amount of the Treasury notes of the United States of which he was robbed, in New Orleans, on the night of the eighth of October, A. D. eighteen hundred and forty-two, to wit: about the sum of six thousand six hundred and three dollars and ninety-two cents, after deducting the amount recovered from the robbers, to wit: about the sum of three thousand three hundred and thirty-eight dollars and forty-five cents, ($3,338 45.)

APPROVED, January 7, 1853.

[No. 5.]—*An Act for the Relief of Margaret L. Worth.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Margaret L. Worth, widow of the late Brevet Major General Worth, on the pension roll, at the rate of fifty dollars a month, from the seventh day of May, eighteen hundred and forty-nine, for and during her natural life.

APPROVED, January 7, 1853.

[No. 6.]—*An Act for the Relief of John T. Sullivan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is hereby authorized and required to pay to John T. Sullivan, the sum of one thousand six hundred and seventy dollars, out of the funds of the Post Office Department, for folding, cutting, and quarter-binding seventeen thousand five hundred copies of laws and instructions to postmasters, under a contract made with him by the Postmaster General, dated the twenty-seventh of April, eighteen hundred and thirty-nine; and also for folding, stitching, and binding, other laws and regulations subsequent to said contract, and for the storage of said laws.

APPROVED, January 13, 1853.

[No. 7.]—*An Act authorizing the Secretary of the Treasury to issue a new Register to the ship Prentice, and change her name to that of Leonie.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to issue a new register to the American-built ship "Prentice," of Charleston, South Carolina, and to change her name to that of Leonie, said vessel having been burned and rebuilt.

APPROVED, January 13, 1853.

[No. 8.]—*An Act for the Relief of William Speiden.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be directed to allow to William Speiden two and a half per centum upon the amount of military contributions received by him while acting as purser to the United States frigate Congress, and paymaster and commissary to the land forces, on the coast of the Pacific, during the Mexican war, and that the same be paid out of any money in the Treasury not otherwise appropriated, the said allowance to be in full compensation for all extra services, expenses, and losses, during the period aforesaid, according to the spirit of the act of March third, eighteen hundred and forty-nine, "to provide for the settlement of accounts of public officers and others who may have received moneys arising from military contributions, or otherwise, in Mexico."

APPROVED, January 13, 1853.

[No. 9.]—*An Act for the Relief of Sidney S. Alcott.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sidney S. Alcott be, and he is hereby, authorized to enter, within twelve months after the passage of this act, with the register of the land office at Ionia, in the State of Michigan, the southeast quarter of section thirty-four, township two north, of range five west; or in case the same has already been entered, then the same quantity of land belonging to the United States subject to entry in said district, which shall be in full of all claims by said Alcott against the United States for and on account of the sum of two hundred dollars paid to the receiver of said office for land, in December, eighteen hundred and thirty-six, for which he has received no equivalent.

APPROVED, January 13, 1853.

[No. 10.]—*An act granting a Pension to Mrs. Elizabeth V. Lomax*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Elizabeth V. Lomax, widow of Mann Page Lomax, deceased, late Major of the Ordnance Corps, United States Army, on the pension roll, at the rate of one half the monthly pay to which her husband was entitled at the time of his death, commencing on the first day of January, A. D. eighteen hundred and fifty, and to continue for and during the term of five years.

APPROVED, January 13, 1853.

[No. 11.]—*An Act for the Relief of Elizabeth Armistead.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Elizabeth Armistead, widow of the late General Walker K. Armistead, upon the list of pensioners, and to pay to her a pension at the rate of one half the pay per month to which her said husband was entitled at the time of his death; said pension to commence on the first day of November, one thousand eight hundred and forty-five, and continue during her natural life or widowhood.

APPROVED, January 20, 1853.

[No. 12.]—*An Act for the Relief of Mrs. E. A. McNeil, widow of the late General John McNeil.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Mrs. E. A. McNeil, widow of the late General John McNeil, out of any money in the Treasury not otherwise appropriated, the arrears of pension claimed by her late husband, at the rate of thirty dollars a month, commencing on the twenty-fifth day of July, Anno Domini eighteen hundred and thirteen, being the day on which he was wounded at the battle of Bridgewater, and ending on the thirtieth day of April, Anno Domini eighteen hundred and thirty, being the day on which he resigned his commission in the Army.

APPROVED, January 20, 1853.

[No. 13.]—*An Act for the Relief of the Heirs or Legal Representatives of Joseph Arnow, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the district court of the United States, for the northern district of Florida, be, and he is hereby, authorized and directed to receive and adjudicate the claims of the heirs or legal representatives of Joseph Arnow, deceased, under the provisions of the act of Congress of the twenty-sixth day of June, one thousand eight hundred and thirty-four, entitled "An act for the relief of certain inhabitants of East Florida," and that said claims be settled by the Treasury as are other cases under said act: *Provided, however*, That the petition for the allowance of said claims shall be presented to said judge by the proper parties entitled to prefer the same within one year from the passage of this act: *And provided, also*, That said parties shall respectively allege in such petition, and prove to said Judge, reasonable cause for such petition not having been presented within the time prescribed and enacted by said act of June twenty-sixth, eighteen hundred and thirty-four: *And provided further*, That the said claims shall not have been previously hereto adjudicated and settled at the Treasury.

APPROVED, January 20, 1853.

[No. 14.]—*An Act for the Relief of Philo Smith.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Philo Smith, of the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of nineteen dollars and ninety-six cents, for the amount due him as an ordinary seaman on board the Macedonian, as his share of the amount awarded to the captors of certain Algerine vessels under Commodore Decatur.

APPROVED, January 22, 1853.

[No. 15.]—*An Act for the Relief of John J. Sykes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to John J. Sykes, the sum of twelve hundred and ninety-eight dollars and thirty-three cents, ($1,298 33,) being in full for clerk hire, office rent, and salary, as special agent for the Post Office Department in California: *Provided*, That the sum of four hundred and forty-six dollars and sixty-three cents, ($446 63,) part of the above sum, being for the service of said Sykes, as special agent as aforesaid, shall not be paid to him until he shall have filed in the Post Office Department, such vouchers in proof of his services, as the Postmaster General shall certify to be satisfactory.

APPROVED, January 22, 1853.

[No. 16.]—*An Act for the Relief of Thomas P. Dudley.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Thomas P. Dudley, of the State of Kentucky, upon the roll of invalid pensioners, at the rate of eleven dollars and twenty-five cents per month, to commence on the eighth day of January, eighteen hundred and forty-nine, and to continue during his natural life.

APPROVED, January 22, 1853.

[No. 17.]—*An Act for the Relief of the Heirs of William McFarland, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any interest which the United States may have in and to a certain tract of land situate in township five, south of range one west, in section three, in the Greensburg land district, in the State of Louisiana, and which tract is laid down in the transcript plat in the General Land Office, in the names of McFarland and Maillard, as though confirmed, is hereby released to the lawful heirs of William McFarland, of the Parish of East Baton Rouge, in said State of Louisiana: *Provided, however*, That nothing in this act shall take away, impair, impede, or affect in any way any right, title, interest, claim or recovery of any person or persons whatsoever claiming, or to claim said land.

APPROVED, January 22, 1853.

[No. 18.]—*An Act for the Relief of Jacob J. Storer.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the Secretary of the Treasury be, and he hereby is, directed to pay to Jacob J. Storer, late acting purser of the United States brig Perry, the sum of thirteen hundred and sixty-one dollars and eighty-two cents, out of any money in the Treasury not otherwise appropriated, it being the amount of pay and rations to which a purser of the Navy would have been entitled while performing the same duties.

APPROVED, January 25, 1853.

[No. 19.]—*An Act for the Relief of the Widow and Orphan Children of Colonel William R. McKee, late of Lexington, Kentucky.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, directed to pay out of any moneys in the Treasury not otherwise appropriated, the sum of twelve hundred dollars to Mrs. J. H. McKee, the widow of Colonel William R. McKee, for the use of herself and orphan children of said McKee, it being in payment for a horse killed in battle, and for other property lost in Mexico, and particularly in consequence of said Colonel McKee being killed in the battle of Buena Vista, on the twenty-third day of February, eighteen hundred and forty-seven.

SEC. 2. *And be it further enacted*, That to each of the orphan children of the said McKee, there shall be, and hereby is, granted one quarter section of land, to be located upon any vacant land of the United States, and to be located where and in such manner as the President of the United States shall direct.

APPROVED, January 25, 1853.

[No. 20.]—*An Act for the Relief of Charles S. Mathews, Charles Wood, and James Hall.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles S. Mathews, Charles Wood, and James Hall, the sum of twelve thousand one hundred and nineteen dollars and forty-seven cents, ($12,119 47,) which payment shall be in full satisfaction and discharge of all claims which they or either of them have upon the United States, for or on account of all damages sustained by them growing out of their contract to furnish marble for the basement of the custom-house lately built in the city of New York.

APPROVED, January 25, 1853.

[No. 21.]—*An Act for the Relief of Abigail Stafford.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States pay to Mrs. Abigail Stafford, her heirs or legal representatives, two thousand dollars, out of any money in the Treasury not otherwise appropriated, for supplies furnished the army in the revolutionary war, and services rendered by her farther, Henry Smith, of Massachusetts, to be paid upon the principles of justice and equity.

APPROVED, January 27, 1853.

[No. 22.]—*An Act for the Relief of Frances P. Gardiner.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to renew the pension heretofore allowed and paid to Frances P. Gardiner, and to continue the same for and during her natural life, commencing on the first day of January, one thousand eight hundred and forty.

APPROVED, January 27, 1853.

[No. 23.]—*An Act for the Relief of John W. Quinney, a Stockbridge Indian.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of all the rights of John W. Quinney in the lands and annuities of the Stockbridge tribe of Indians, and in the money, or land to which said Indians now are or may hereafter be entitled under existing treaties, there shall be paid to the said John W. Quinney, out of the moneys now due and payable to the said Stockbridge tribe of Indians, the sum of one thousand dollars, or so much more or less than that sum as shall be declared to be just and proper by the chiefs and head-men of said Stockbridge tribe; and there shall be granted to the said John W. Quinney, in fee-simple, and to his heirs and assigns forever, the tract or parcel of land now in the possession and occupancy of the said John W. Quinney, in Stockbridge, in the State of Wisconsin, and bounded and described as follows, to wit: bounded on the north by lot number thirty-three, recommended to be patented to Mr. Dinslow, in the Stockbridge treaty of November twenty-fourth, eighteen hundred and forty-eight, and the United States lot numbered seventy-four; south by lots numbered thirty-seven and seventy, recommended to be patented to Mr. John Dick; east by the military road (so called) passing through the town of Stockbridge, and west by the Winnebago lake—containing three hundred and sixty acres of land, more or less; and it shall be the duty of the Commissioner of the General Land Office to cause the said piece of land to be surveyed, and to issue to the said John W. Quinney a patent therefor, in accordance with such survey.

APPROVED, January 27, 1853.

[No. 24.]—*An Act granting a Pension to Mrs. Ann C. Belknap.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Mrs. Ann C. Belknap, widow of the late brevet Brigadier-General William G. Belknap, on the list of pensioners, and to pay her, per month, at the rate of half the monthly pay to which her late husband was entitled at the time of his death; her said pension to commence on the first day of January, eighteen hundred and fifty-two, and to continue during her widowhood.

APPROVED, January 27, 1853.

[No. 25.]—*An Act for the Relief of Nathan Weston, junior, late additional Paymaster in the United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Government are hereby authorized and directed to pay to Nathan Weston, junior, late paymaster [in the] United States Army, the full amount of three months' extra pay, in conformity with the fifth section of an act entitled "An act to amend an act entitled 'An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,' and for other purposes," approved July nineteenth, eighteen hundred and forty-eight.

APPROVED, January 27, 1853.

[No. 26.]—*An Act for the Relief of Jacob Young.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Jacob Young upon the pension roll, and pay to him a pension at the rate of eight dollars per month during his life, said pension to commence on the eighth day of December, one thousand eight hundred and fifty-one.

APPROVED, February 3, 1853.

[No. 27.]—*An Act for the Relief of the Heirs of the late Major Thomas Noel, United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the settlement of the accounts of the late Major Thomas Noel, United States Army, the proper accounting officers of the Treasury be, and they are hereby, required to pass to his credit all payments and disbursements which were honestly and faithfully made by him while acting as a disbursing officer, any irregularity or informality in the vouchers by him received and on file to the contrary notwithstanding.

APPROVED, February 3, 1853.

[No. 28.]—*An Act for the Relief of Thompson Hutchinson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Thompson Hutchinson, son of Thomas Hutchinson, who was late a revolutionary pensioner of the United States, and who was in error stricken off the pension roll in eighteen hundred and eighteen, the amount of pension which would have been due to him at his death, in February, eighteen hundred and thirty-five, if he had not been erroneously deprived of it; the amount so to be paid to the said Thompson Hutchinson to be computed from the twenty fourth of July, eighteen hundred and eighteen, the date of his pension certificate, to the first day of February, eighteen hundred and thirty-five, at the rate of eight dollars a month for that time.

APPROVED, February 3, 1853.

[No. 29.]—*An Act for the Relief of Elizabeth Jones and the other Children (if any) of John Carr.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Jones and the other children of John Carr, (if any,) who was a late revolutionary pensioner of the United States, the amount of pension ascertained to have been due to the said John Carr at his death; the amount so to be paid to be computed at the rate of eight dollars a month, from the eighteenth day of May, eighteen hundred and eighteen, to the seventh day of June, eighteen hundred and thirty-one.

APPROVED, February 3, 1853.

[No. 30.]—*An Act for the Relief of Mary B. Renner, Administratrix of Daniel Renner, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to cause the claim of Mary B. Renner, as administratrix of Daniel Renner, deceased, who was surviving partner of the firm of Renner and Heath, composed of the said Renner and Nathaniel H. Heath, which claim arises from the alleged burning of a rope-walk and of seine twine therein, in the District of Columbia, by the public enemy, in the month of August, eighteen hundred and fourteen, belonging to said firm, to be audited and settled on principles of equity and justice, looking to the evidence heretofore produced before Congress or the Treasury Department, and there on file, or hereafter to be taken: *Provided*, That the allowance so made shall in no case exceed the sum of six thousand seven hundred and forty-four dollars.

APPROVED, February 3. 1853.

[No. 31.]—*An Act for the Relief of Jim Capers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Jim Capers upon the list of revolutionary pensioners, and to pay him a pension at the rate of eight dollars per month; said pension to commence on the first day of August, one thousand eight hundred and fifty.

APPROVED, February 3, 1853.

[No. 32.]—*An Act for the Relief of the Widows and Relatives of certain Officers and Seamen of the United States brig Washington, who were lost overboard in a hurricane.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same provision as is made by the act entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines of the brig-of-war Somers," approved the fourteenth of August, eighteen hundred and forty-eight, be also extended to the widows and relatives of those officers and seamen of the Navy attached to the United States brig Washington, who were lost overboard in a hurricane, on the seventh of September, eighteen hundred and forty-six.

APPROVED, February 3, 1853.

[No. 33.]—*An Act for the Relief of James Glynn.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James Glynn, a commander in the United States Navy, shall be entitled to a credit, in the settlement at the Treasury of his accounts as acting purser of the sloop-of-war Preble, while cruising on the western coast of Mexico, in the year eighteen hundred and fifty, of the sum of thirteen hundred and thirty-eight dollars and seventy cents, the said allowance to be in full for losses of public money and other property stolen or embezzled from said vessel during his temporary absence therefrom on official duty.

APPROVED, February 3, 1853.

[No. 34.]—*An Act for the Relief of Guion and McLaughlin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby directed to pay to E. P. Guion and Benjamin McLaughlin the sum of one thousand six hundred and forty dollars, from the appropriation for mail transportation, being the amount due them, under the equitable terms of their contract with the Postmaster-General, for two months' extra pay, upon the discontinuance of the transportation of the southern mail, on route two thousand eight hundred and two, from Raleigh to Fayetteville; on route two thousand eight hundred and eleven, from Fayetteville to Cheraw; and on route three thousand one hundred and one, from Cheraw to Columbia, South Carolina; on the sixth of February, one thousand eight hundred and forty-five; the Postmaster-General having only paid the allowance for two months' extra service upon the amount dispensed with, when it should have been upon the whole amount of the contract.

APPROVED, February 3, 1853.

[No. 35.]—*An Act for the Relief of Sarah D. Mackay.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Sarah D. Mackay, widow of Alexander D. Mackay, late a lieutenant in the Army of the United States, on the pension roll; and that the said Sarah D. Mackay be entitled to receive the sum of fifteen dollars a month during her natural life, to commence on the first day of January, eighteen hundred and fifty.

APPROVED, February 3, 1853.

[No. 36.]—*An Act for the Relief of Colonel James R. Creecy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five hundred and fifty-two dollars and fifty cents be paid to Colonel James R. Creecy, out of any moneys in the Treasury not otherwise appropriated, in consideration of money expended and services rendered by him in raising a regiment for the Mexican war.

APPROVED, February 3, 1853.

[No. 37.]—*An Act for the Relief of William Bedient, late a Sergeant in the Fourth Regiment of Artillery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby authorized and directed to place the name of William Bedient, at present of Newark, in the State of New Jersey, late a sergeant in the fourth regiment of Artillery, on the roll of invalid pensioners, and that he be allowed a pension at the rate of eight dollars per month from the sixteenth day of June, eighteen hundred and forty-nine, to continue during his natural life.

APPROVED, February 3, 1853.

[No. 38.]—*An Act for the Relief of Margaret Farrar.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Indian Affairs be authorized and required to ascertain the amount of interest, at the rate of six per centum per annum, due and unpaid to Margaret Farrar, a half-breed Indian, under the treaty of eighteen hundred and thirty-six, with the Sacs and Fox Indians, and that said Commissioner cause such sum of money as he may find due (if any) to be paid to said Margaret Farrar, and that the sum of four hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose aforesaid.

APPROVED, February 3, 1853.

[No. 39.]—*An Act for the Relief of the Heirs of Jeremiah Wingate.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the representatives of Jeremiah Wingate, deceased, late of Florida, be, and they are hereby, confirmed in their title to a certain tract of land containing four hundred and twenty acres, lying on the north side of Naussa River, in the State of Florida, according to the plats and certificate of survey made by George J. F. Clarke, dated the second and twenty-third of December [and] the sixth of October, eighteen hundred and eighteen, now on file in the public archives of East Florida, the said tract being the same confirmed to the said Jeremiah Wingate during his lifetime, on the fifteenth of November, eighteen hundred and twenty-seven, by the "Board of Commissioners" appointed to ascertain claims and titles to land in Florida, pursuant to the act entitled "An act granting donations to certain actual settlers in the Territory of Florida," approved May twenty-sixth, eighteen hundred and twenty-four; and that the Commissioners of the General Land Office, upon the presentation of the aforesaid plats and certificate of survey of said tract, issue a patent or patents for the same, which patent shall operate as a relinquishment only on the part of the United States.

APPROVED, February 5, 1853.

[No. 40.]—*An Act for the Relief of the Legal Representatives of Bernard Todd, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any unappropriated money in the Treasury, to the legal representatives of Bernard Todd, late of Baltimore County, Maryland, deceased, the sum of four thousand three hundred and fifteen dollars, the same being the appraised value of the buildings of the said Bernard Todd, which were burnt by the British forces in September, eighteen hundred and fourteen, in consequence of their being used and occupied by troops in the service of the United States for military purposes.

APPROVED, February 5, 1853.

[No. 41.]—*An Act for the Relief of Maurice K. Simons.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Maurice K. Simons shall be placed upon the roll of invalid pensioners, at the rate of eight dollars per month during his life, from and after the passage of this act.

APPROVED, February 5, 1853.

[No. 42.]—*An Act for the Relief of Barbara Reily.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to pay to Barbara Reily, widow of Captain William Reily, an officer of the Army of the Revolution, the amount of pension due him from the time he was last paid, to the fourth day of March, one thousand eight hundred and twenty.

APPROVED, February 9, 1853.

[No. 43.]—*An Act for the Relief of C. L. Swayze, in relation to the location of certain Choctaw Scrip.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to approve the location of certain Choctaw Scrip, made at the land office at Opelousas, Louisiana, by C. L. Swayze, on the sixth day of August, anno Domini, one thousand eight hundred and forty-nine, embracing thirteen certificates, located in township four south, range six east, as per entries thereof: *Provided*, That nothing in this act contained shall operate further than to relinquish the interest of the United States in said land.

APPROVED, February 9, 1853.

[No. 44.]—*An Act for the Relief of Joseph M. Wilcoxon, of the State of Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That entries number twenty-one thousand nine hundred and seventy-seven, and twenty-two thousand one hundred and thirty-eight, of the south half of section three, and the southeast fractional quarter of section nine, on island number nineteen, in township fifty-one, north of range twenty-two west, in the State of Missouri, heretofore made by Joseph M. Wilcoxon, be, and the same are hereby, confirmed to the said Joseph M. Wilcoxon, his heirs and assigns, and the title to the said land be, and the same is hereby, vested in the said Joseph M. Wilcoxon, his heirs and assigns: *Provided*, That this act shall not be construed to interfere with, or in anywise impair, the rights of third persons in and to the said land or any part thereof.

APPROVED, February 9, 1853.

[No. 45.]—*An Act for the Relief of Asenath M. Elliot.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place upon the list of pensioners, the name of Asenath M. Elliot, widow of the late Captain Edward G. Elliot, United States Army, and pay to her a pension, at the rate of one half the pay per month to which her husband, the said Edward G. Elliot, was entitled at the time of his death; said pension to commence on the fifth day of January, one thousand eight hundred and forty-nine, and to continue during her natural life or widowhood.

APPROVED, February 11, 1853.

[No. 46.]—*An Act for the Relief of the Widow of the late John A. Lynch.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby directed to pay to the widow of the late John A. Lynch, for his services as a clerk in that department, from the tenth day of August to the seventh day of December, in the year eighteen hundred and forty-six, at the rate of three dollars per day.

APPROVED, February 11, 1853.

[No. 47.]—*An Act Authorizing the Secretary of the Treasury to Issue a Register to the British bark Fanny, under the name of Golden Mirror.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to issue to William White, of Boston, in the State of Massachusetts, a register for the British built bark "Fanny," under the name of "Golden Mirror," the said bark having entered Boston in a damaged condition; and was purchased by the said William White, and by him rebuilt or repaired and changed to a ship: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the repairs upon said bark shall constitute three fourths of the value of the same when so repaired.

APPROVED, February 11, 1853.

[No. 48.]—*An Act for the Relief of the Town of Belleview, and the Cities of Burlington and Dubuque, in the State of Iowa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be and hereby is granted to the town of Belleview, in Iowa, the land bordering on the Mississippi river, in front of said town, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses, together with the accretions which may have formed thereto, or in front there-

of; to be disposed of in such manner as the corporate authorities of said town may direct. The grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said town to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

SEC. 2. *And be it further enacted*, That there shall be and hereby is granted to the cities of Burlington and Dubuque, in Iowa, the land bordering on the Mississippi river, in front of said cities, reserved by the act of second July, eighteen hundred and thirty-six, for a public highway, and for other public uses, together with the accretions which may have formed thereto or in front thereof; to be disposed of in such manner as the corporate authorities of said cities may direct.

SEC. 3. *And be it further enacted*, That the grant made by this act shall operate as a relinquishment only of the right of the United States in and to said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same; and on application by a duly authorized agent of the corporate authorities of said cities to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases.

SEC. 4. *And be it further enacted*, That the lot or parcel of land in the city of Dubuque, heretofore set apart and used by the authorities of said city as a cemetery or burying-ground, under the act of Congress of the second of July, eighteen hundred and thirty-six, entitled "An act for the laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes," and the act of the third of March, eighteen hundred and thirty-seven, amendatory thereof, be and the same hereby is granted to the Common Council of the said city of Dubuque, to make such disposition of the said land included in said cemetery or burying-ground as that Common Council may deem proper.

APPROVED, February 14, 1853.

[No. 49.]—*An Act Granting the Right of Way to the St. Louis and Iron Mountain Railroad Company, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, sixty feet in width, through the lands in which the St. Louis arsenal, the St. Louis marine hospital, and Jefferson barracks are situated, in the State of Missouri, be and the same is hereby granted to the St. Louis and Iron Mountain Railroad Company, for the construction of a railroad from the city of St. Louis through said lands: *Provided*, That the location of said road through the lands aforesaid shall be made subject to the approval of the Secretary of War: *Provided further*, That said location can be made without injury to the public interest in the opinion of the said Secretary of War.

SEC. 2. *And be it further enacted*, That the right of way be and the same is hereby granted to the Cleveland and Pittsburgh Railroad Company, and also the right of way to the Cleveland, Painesville, and Ashtabula Railroad Company across the hospital grounds, so called, belonging to the United States, in the city of Cleveland, in the State of Ohio; the width of each of said roads across said hospital grounds not to exceed sixty feet where said roads are now respectively located: *Provided*, That said conveyances can, in the opinion of the Secretary of the Treasury, be made without detriment to the interests of the United States: *And provided further*, That the said grant shall be, and is hereby, made subject to such conditions as the said Secretary of the Treasury shall impose on the said companies respectively, for the protection and security of the grounds from abrasions by the waters of Lake Erie: *And provided further*, That whenever the said roads shall be discontinued or abandoned, or the conditions of this grant shall be violated, all rights under this act shall cease and determine.

SEC. 3. *And be it further enacted*, That the right of way shall be and hereby is granted to the Allegheny Valley Railroad Company for the road of the said company over and across the grounds of the United States at and near the Allegheny arsenal, in the county of Alleghany, and State of Pennsylvania: *Provided*, That the route of the said railroad across the said grounds shall be approved by the Secretary of War before the same is entered upon for the purpose of constructing said railroad: *And provided further*, That the same can be granted without detriment to the public interest in the opinion of the Secretary of War.

APPROVED, February 14, 1853.

[No. 50.]—*An Act for the Relief of John Millar.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whereas John Millar, formerly of Belfast, Ireland, but now of the city and county of New York, in the State of New York, merchant, has, according to law, declared his intentions to become a citizen of the United States, the Secretary of the Treasury be, and he is hereby, authorized to issue certificates of registry to such vessels built in the United States, as may be owned in whole or in part by the said John Millar, which said certificates shall have the same force and effect during five years from the time of the passage of this act, and no longer, as though issued to a citizen of the United States: *Provided*, That before issuing said certificates, the said John Millar shall file with the Secretary of the Treasury, a duly certified copy of his said declaration of intentions to become a citizen of the United States: *And provided also*, That if the said John Millar shall not, during the said five years, become such citizen, the certificate issued under this act shall be void.

APPROVED, February 14, 1853.

[No. 51.]—*An Act to change the Name of the Steamboat Forest City.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the owners of the steamboat "Forest City," be, and they are hereby, authorized to change the name of the said boat to that of "Bay City," and to make a new registry of said boat in that name, at the port of Detroit, in the State of Michigan.

APPROVED, February 14, 1853.

[No. 52.]—*An Act for the Relief of Captain George P. Smith.*

Whereas it appears that George P. Smith, late a quartermaster in the Army of the United States, with the rank of captain, was taken prisoner, and the train, baggage, and public property under his charge were captured, and his vouchers and papers destroyed: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George P. Smith, late an assistant quartermaster in the Army of the United States, with the rank of captain, be, and is hereby, released from the bond executed by him for the discharge of his duties as quartermaster, and that he be discharged from all responsibility on his official bond aforesaid.

SEC. 2. *And be it further enacted*, That the Treasurer of the United States pay to the said George P. Smith, out of any moneys not otherwise appropriated, the sum of two hundred dollars, for so much money paid and expended by the said George P. Smith of his private means, for the use of the United States.

SEC. 3. *And be it further enacted*, That nothing in this act shall be so construed as to prevent the said George P. Smith from receiving full pay as a quartermaster in the Army of the United States, during the time he was in service.

APPROVED, February 14, 1853.

[No. 53.]—*An Act to provide for the Payment of the Companies of Captains Bush, Price, and Suarez, for military services in Florida.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War cause to be paid one half of the pay and allowances of mounted troops to the following militia forces of the Territory of Florida, for the period of their respective service, as hereinafter specified, to wit:

Captain Bush's company of mounted troops from the twenty-fifth day of January, one thousand eight hundred and thirty-eight, to the twenty-fifth day of January, one thousand eight hundred and thirty-nine; Captain Price's company of mounted troops from the twentieth day of January, eighteen hundred and thirty-eight, to the twentieth day of July, one thousand eight hundred and thirty-nine; Captain Suarez's company of mounted troops from the twentieth day of July, one thousand eight hundred and thirty-eight, to the twentieth day of January, eighteen hundred and thirty-nine.

SEC. 2. *And be it further enacted*, That the muster-rolls according to which the above payments shall be made, shall be sworn to by the captain or senior surviving officer in Florida of each company, and approved by the Governor of that State.

SEC. 3. *And be it further enacted*, That so much money as may be necessary for the purposes aforesaid be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

APPROVED, February 14, 1853.

[No. 54.]—*An Act authorizing the Secretary of the Treasury to issue a Register to the American-built Steamship Albatross.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to issue to Simeon Draper, a citizen of New York, a register for the American-built steamship Albatross, said ship having been sold to a citizen of Great Britain, and reconveyed to said Simeon Draper.

APPROVED, February 14, 1853.

[No. 55.]—*An Act for the Relief of John Williams.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of John Williams, late a marine in the service of the United States, upon the list of pensioners, and to pay him a pension for entire disability; said pension to commence on the fifth day of April, one thousand eight hundred and forty-eight, and continue during his life.

APPROVED, February 14, 1853.

[No. 56.]—*An Act for the Relief of Rosanna Sowards.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Rosanna Sowards, of the county of Lawrence, in the State of Ohio, upon the pension roll, and pay her at the rate of eight dollars per month for five years, commencing on the fourth day of March, one thousand eight hundred and fifty-two.

APPROVED, February 16, 1853.

[No. 57.]—*An Act for the Relief of Joseph Morehead.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury, be, and they hereby are, directed to pay unto the legal guardian or guardians of Joseph Morehead, late a passed midshipman in the United States Navy, now a confirmed lunatic, the furlough pay of a passed midshipman, from the fifteenth of February, eighteen hundred and forty, when he was dismissed, as if he had not been dismissed from the Navy, and were on furlough for life.

APPROVED, February 16, 1853.

[No. 58.]—*An Act for the Relief of Mary W. Thompson, and Mrs. Elizabeth P. Lomax, and Mrs. A. M. Dade.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Mary W. Thompson, widow of Lieutenant Colonel Alexander Thompson, upon the pension roll, and pay to her, during her widowhood, the pension heretofore allowed to her, to commence on the first day of

January, one thousand eight hundred and fifty-two; and the pension heretofore allowed to Mrs. Elizabeth V. Lomax, widow of Mann P. Lomax, late Major of the Ordnance Corps, shall commence on the twenty-seventh day of March, eighteen hundred and forty-two, and continue for and during her widowhood. And that the Secretary of the Interior be directed to place the name of A. M. Dade, widow of Major F. L. Dade, deceased, late of the United States Army, on the pension roll, from the twenty-eighth of December, eighteen hundred and forty, for and during her natural life, at the same rate of pension she has heretofore received.

APPROVED, February 26, 1853.

[No. 59.]—*An Act for the Relief of Josiah P. Pilcher, late a private in Company F, second Kentucky regiment Volunteers, in the war with Mexico, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the Government allow and pay to Josiah P. Pilcher, late a private in company F, second Kentucky regiment volunteers, his regular pay from the seventh of July, eighteen hundred and forty-six, until the date of the discharge of his company; and also that he be paid his mileage from New Orleans home, as others of his company were paid; also, that he be paid his clothing pay; also, that he be paid three months' extra pay; also, that the proper officers issue to him a land warrant for one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That five years' half-pay be granted to Christine Barnard, the widow of the late Brevet Major Moses J. Barnard, Captain in company H, regiment of Voltigeurs, who rendered gallant services in the Mexican war, and who died of a disease greatly enhanced by the hardship, exposure, and fatigue of the campaign; said half-pay to commence with the day of his death, the fourth July, eighteen hundred and fifty-two, and to be held by her or by her children, according to the provisions of the general laws now in force, made in reference to the widows and children of those who died from wounds or disease received or contracted during said war.

APPROVED, February 26, 1853.

[No. 60.]—*An Act for the Relief B. B. Bennett.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this bill, the name of B. B. Bennett shall be placed upon the roll of invalid pensioners, at the rate of eight dollars per month, for and during his life.

APPROVED, March 2, 1853.

[No. 61.]—*An Act for the Relief of Frances E. Baden.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Frances E. Baden upon the pension roll, and pay her the half-pay of a major in the United States Army, for five years; her pension to commence on the first day of January, one thousand eight hundred and fifty.

APPROVED, March 2, 1853.

[No. 62.]—*An Act for the Relief of Edward Box.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Edward Box, of Tennessee, upon the revolutionary pension roll, at the rate of six dollars and sixty-six and two thirds cents per month, to commence on the fourth day of March, eighteen hundred and forty-two, and to continue during his natural life.

APPROVED, March 2, 1853.

[No. 63.]—*An Act for the Relief of Benjamin S. Roberts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Benjamin S. Roberts, out of any money in the Treasury not otherwise appropriated, the full amount of his pay and subsistence as a second lieutenant in the first regiment of dragoons, from the twenty-eighth day of January, one thousand eight hundred and thirty-nine, when he was coerced to resign his commission of second lieutenant in the first regiment of dragoons, without authority of law, until the twenty-seventh day of May, one thousand eight hundred and forty-six, when he was restored to the Army, by being appointed senior first lieutenant in the regiment of mounted riflemen.

APPROVED, March 2, 1853.

[No. 64.]—*An Act to authorize the Secretary of the Treasury to issue a Register to the Bark "May, of Baltimore."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized to issue a register to William Alexander, of Baltimore, Maryland, for the British bark "Brazil Packet, of Liverpool," under the name of the "May, of Baltimore," said bark having been libeled, condemned, and sold for supplies furnished her in a foreign port, and was purchased by the said William Alexander, an American citizen: *Provided*, It shall be made to appear to the satisfaction of said Secretary, that the repairs put on said bark, after the purchase aforesaid, by the said purchaser, shall constitute two thirds of her value when repaired.

APPROVED, March 2, 1853.

[No. 65.]—*An Act to Incorporate the Sisters of the Visitation of Washington, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Eliza Matthews, Eleanor Cummings, Mary O. Stonestreet, Mary Stubbs, Sarah Mitchell, Eliza Snowden, Ann O'Hare, and Ann R. Osborn, with such female associates as now are or may hereafter become sisters or lay-sisters of the Visitation, according to the rules and by-laws thereof which have been or which may be hereafter established, and their successors, be, and they hereby are, made a body-politic and corporate forever, by the name of "The Sisters of the Visitation of Washington," for purposes of charity and education; and by that name may sue and be sued, prosecute and defend; may have and use a common seal, and the same alter and renew at pleasure; may adopt and establish rules, regulations and by-laws, not repugnant to the laws of the United States, for properly conducting the affairs of the corporation; may take, receive, purchase and hold estate, real, personal, and mixed, not exceeding in value one hundred and fifty-thousand dollars at any one time, and manage and dispose of the same at pleasure, and apply the same, or the proceeds of the sales thereof, to the uses and purposes of the association, according to the rules and regulations which now are or which may hereafter be established.

SEC. 2. *And be it further enacted*, That Congress may at any time amend or repeal this act.

APPROVED, March 3, 1853.

[No. 66.]—*An Act for the Relief of Catharine Proctor Hayden, only child and heir of John White, deceased, late a Lieutenant Colonel in the Fourth Georgia Battalion of the Revolutionary Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid out of any money in the Treasury not otherwise appropriated, to Catharine Proctor Hayden, only child and heir of John White, deceased, late a lieutenant colonel in the fourth Georgia battalion of the revolutionary army, the sum of six thousand seven hundred and three dollars and fifty-seven cents, the said principal sum being the amount found due to said John White, by the proper accounting officers of the Treasury, for the seven years half pay of the said John White, and for advances made by him to the Government during the revolutionary war, and for which treasury certificates were improperly issued to Susanna Richardson and John Richardson, in the year seventeen hundred and ninety-three.

APPROVED, March 3, 1853.

[No. 67.]—*An Act for the Relief of John Charles Frémont, late Lieutenant Colonel in the Army of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, and he is hereby authorized and required, to liquidate and satisfy the judgment, damages, and costs recovered, and such expenses in defense of said suit as the Secretary of the Treasury shall deem reasonable, out of any money in the Treasury not otherwise appropriated, which has been recovered, or may be recovered, against John Charles Frémont, late a lieutenant colonel in the Army of the United States, by Anthony Gibbs and Sons, assignees of F. Hüttman, in her Britannic Majesty's court of exchequer, at Westminster, in England, on four several bills of exchange or each and every of them drawn by the said John Charles Frémont, at Ciudad de los Angelos, in the then Upper California, on the eighteenth day of March, eighteen hundred and forty-seven, amounting in all to nineteen thousand five hundred dollars, in favor of one F. Hüttman, for moneys advanced for the public service, the said bills having been drawn on James Buchanan, Secretary of State, and payment refused by him for want of any appropriation out of which the same could be paid, and the said Frémont being sued in London for the same: *Provided*, That before the payment of the same, or any part thereof, the Secretary of the Treasury shall be satisfied that the amount has been expended for the benefit of the public service.

APPROVED, March 3, 1853.

[No. 68.]—*An Act for the Relief of L. M. Goldsborough, and others.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and required to allow and pay, out of any money in the Treasury not otherwise appropriated, to L. M. Goldsborough, G. J. Van Brunt and S. F. Blunt, for expenses incurred by them, respectively, while serving upon a joint commission of Army and Navy officers in California and Oregon, during the years eighteen hundred and forty-nine and eighteen hundred and fifty, double the pay of a commander in the Navy, in sea service, during the exact time of their employment on said coasts as aforesaid, to wit: from the first of April, eighteen hundred and forty-nine, to the twenty-seventh of November, eighteen hundred and fifty, deducting therefrom the regular pay accruing to said officers during that period.

SEC. 2. *And be it further enacted*, That each of the three Army officers, J. L. Smith, C. A. Ogden, and D. Leadbetter, of the Corps of Engineers, who were associated with the said Navy officers in the joint duty aforesaid, be allowed and paid, as aforesaid, commutation of fuel and quarters from the first of April, eighteen hundred and forty-nine, to the twenty-seventh of November, eighteen hundred and fifty, equal in amount to the allowance authorized to a major of the Army on duty at San Francisco during that time; deducting therefrom the commutation to which they would have been entitled respectively, at their posts in the Atlantic States.

APPROVED, March 3, 1853.

[No. 69.]—*An Act for the Relief of the Legal Representatives of Walter Colton.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to pay to the legal representatives of the late Walter Colton, out of any money in the Treasury not otherwise appropriated, the sum of seven thousand eight hundred and sixty-five dollars and thirty-three cents, the same being the amount deposited by said Colton in the Treasury of the United States, above the net amount for which the prize ship Admittance was purchased by his agent.

APPROVED, March 3, 1853.

[No. 70.]—*An Act for the Relief of Jacob Shade, Jr.*

Be it enacted by the Senate and House of Represent-

atives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Jacob Shade, Jr., of the State of Virginia, upon the invalid pension roll, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty-two, and to continue during his natural life.

APPROVED, March 3, 1853.

[No. 71.]—*An Act for the relief of James Wright, Jr.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of James Wright, Junior, of Sullivan county, in the State of Tennessee, on the roll of invalid pensioners, and that he be allowed a pension of five dollars and thirty-three cents a month, from the fourth day of March, eighteen hundred and forty, to continue during his natural life.

APPROVED, March 3, 1853.

[No. 72.]—*An Act for the Relief of Gardner Herring.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Gardner Herring, of the State of Ohio, upon the invalid pension roll, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and forty-five, and to continue during his natural life.

APPROVED, March 3, 1853.

[No. 73.]—*An Act to increase the Pension of Henry Click, of Cocke County, Tennessee.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to increase the pension of Henry Click, who was placed upon the pension roll of invalid pensioners by an act entitled "An act for the relief of certain invalid pensioners therein named," and approved on the second day of March, one thousand eight hundred and thirty-three, to eight dollars per month, during his natural life, such increase commencing on the first of January, one thousand eight hundred and forty-eight.

APPROVED, March 3, 1853.

[No. 74.]—*An Act for the Relief of Jasper A. Maltby.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Pensions be, and he is hereby, authorized and directed to issue to Jasper A. Maltby, his heirs or assigns, a certificate or warrant for one hundred and sixty acres of land, in conformity with an act of eleventh February, eighteen hundred and forty-seven, entitled "An act to raise, for a limited time, an additional military force, and for other purposes."

APPROVED, March 3, 1853.

[No. 75.]—*An Act for the Relief of Cornelius Hughes, of Tennessee.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Cornelius Hughes, of Green county, in the State of Tennessee, on the roll of invalid pensioners, and that he be allowed a pension of five dollars thirty-three and one third cents per month, from the twenty-first day of February, eighteen hundred and forty-eight, to continue during his natural life.

APPROVED, March 3, 1853.

[No. 76.]—*An Act for the Relief of Harlow Spaulding.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Harlow Spaulding, out of any moneys in the Treasury not otherwise appropriated, the usual compensation allowed naval storekeepers in foreign places, for the time he acted in that capacity at Port Mahon and at Spezia, after deducting the amount received by him as compensation for his services as clerk.

APPROVED, March 3, 1853.

[No. 77.]—*An Act for the Relief of John Huffington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to John Huffington, the sum of two thousand dollars in full compensation for the loss of the schooner Relief, sunk in eighteen hundred and twenty-two, while in the employ of the United States in transporting stone to the Rip Raps; but no interest shall be allowed on said sum.

APPROVED, March 3, 1853.

[No. 78.]—*An Act to amend an Act entitled "An Act for the Relief of Joseph Johnston," approved May fourth, eighteen hundred and fifty-two, by correcting a clerical error.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the clerical error in the aforesaid act be corrected by making the name of Joseph Johnston to read Joseph Johnson, which was intended; and that all the benefits of said act shall accrue to, and the same be, and hereby are, extended to said Joseph Johnson.

APPROVED, March 3, 1853.

[No. 79.]—*An Act for the Relief of Mary Baury.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place on the roll of revolutionary pensioners the name of Mary Baury, of Boston, Massachusetts, widow of Louis Baury, who served three campaigns as captain of grenadiers during the revolutionary war, and to pay her a pension at the rate of six hundred dollars per annum from the twenty-fifth day of June, eighteen hundred and fifty, and to continue during her natural life.

APPROVED, March 3, 1853.

[No. 80.]—*An Act for the Relief of John Kerbaugh.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of John Kerbaugh, of the State of Tennessee, on the roll of invalid pensioners, and that he be allowed a pension of five dollars and thirty-three cents a month, from the first day of January, eighteen hundred and forty-eight, to continue during his natural life.

APPROVED, March 3, 1853.

[No. 81.]—*An Act for the Relief of Lewis H. Bates and William Lacon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to audit and allow the claim of Lewis H. Bates and William Lacon, or either of them, for losses and damages sustained by them by the proceedings of the custom-house officers at New York, in exacting from them, upon certain importations of iron into that port, made between the first day of June, eighteen hundred and twenty-nine, and the first day of January, eighteen hundred and thirty-two, higher duties than were required by law, and in seizing and libeling some of said goods upon refusal of said Bates and Lacon to enter the same as subject to such higher duty, and for certain costs of court paid by them and not reimbursed; the sum so allowed to be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no other or greater sum is to be allowed them under this act than will reimburse to them certain costs and expenses actually paid by, and not repaid to them, in the various suits touching said importations, and certain sums paid by them for the storage of the said goods while kept out of their possession, and will indemnify them for the damage they sustained by the detention of the money exacted of them by the collector, over and above the duty required by law; allowing for such detention interest not exceeding the rate of six per centum per annum, from the time it was paid by them until it was refunded.

APPROVED, March 3, 1853.

[No. 82.]—*An Act for the Relief of S. Morris Waln.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to S. Morris Waln, who survived Henry Percival, lately in partnership under the firm of S. Morris Waln and Company, out of any money in the Treasury not otherwise appropriated, the amount of duties paid on one hundred and sixty quarter-casks, and sixty-two Indian barrels of Malaga wine, imported in December, eighteen hundred and thirty-three, in the brig Canning; one hundred and eighty-nine quarter-casks of Malaga wine, imported in May, eighteen hundred and thirty-three, in the brig Virginia; nine pipes and one quarter-cask of Madeira wine, imported in September, eighteen hundred and thirty-three, in the brig Forrest; ninety-nine casks of Oporto wine, imported in the brig Elbe, via New York, and reshipped under bond, per schooner Perseverance, to Philadelphia, in December, eighteen hundred and thirty-three; and seven pipes and seventeen hogsheads of Sicily Maderia wine, imported via Boston, and reshipped under bond, per brig Echo, to Philadelphia, in June, eighteen hundred and thirty-three, which wines were destroyed in Philadelphia, by fire, while in store in the custody of the custom-house: *Provided*, That the Secretary of the Treasury be furnished with satisfactory proof that the goods were so destroyed by fire and were not insured.

APPROVED, March 3, 1853.

[No. 83.]—*An Act for the Relief of James H. Jenkins.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed to pay to James H. Jenkins, late contractor for carrying the mails, out of any moneys appropriated for the transportation of the mails, the sum of three thousand one hundred and ninety-eight dollars, for damages actually incurred by him, by reason of an order of the Postmaster changing the route upon which he had contracted to run between Knoxville and Sparta, Tennessee.

APPROVED, March 3, 1852.

[No. 84.]—*An Act for the Relief of Robert Gibson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Robert Gibson, of Greenbriar county, Virginia, upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty-two, and to continue during his natural life.

APPROVED, March 3, 1853.

[No. 85.]—*An Act for the Relief of Ursula E. Cobb.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the name of Ursula E. Cobb, widow of the late Charles Cobb, gunner in the Navy of the United States, upon the list of naval pensions, and to pay her a pension at the rate of ten dollars per month, to commence on the ninth day of May, eighteen hundred and forty-eight, and to continue for and during the term of five years.

APPROVED, March 3, 1853.

[No. 86.]—*An Act for the Relief of Cornelius Covert, of Michigan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed to pay to Cornelius Covert

of the State of Michigan, out of the revenues of the Post Office Department, not otherwise appropriated, the sum of three hundred and ninety-six dollars per annum, for the transportation of the mail on route number three thousand seven hundred and seventy-seven, from Marshall to Centreville, in the State of Michigan, instead of two hundred and nineteen dollars, for and during the term of his contract, made and entered into in the year eighteen hundred and fifty.

APPROVED, March 3, 1853.

[No. 87.]—*An Act for the Relief of Moses Olmstead and Mrs. Elizabeth Craig.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and directed to place the name of Moses Olmstead on the list of invalid pensioners, and to pay him, during his life, a pension of eight dollars per month; said pension to commence on the twentieth day of January, one thousand eight hundred and fifty-three.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be authorized and required to place the name of Mrs. Elizabeth Craig, widow of the late Lieutenant Colonel Lewis Craig, of the United States Army, who was killed in California about the first day of June, eighteen hundred and fifty-two, on the pension roll, at the rate of one half the pay her husband was receiving at the time of his death; this allowance to commence from the said first day of June, eighteen hundred and fifty-two, and to continue to her during her widowhood; and should she marry again, or die, while her daughter, now living, shall be a minor, the same allowance shall be made to said daughter during her minority.

APPROVED, March 3, 1853.

[No. 88.]—*An Act for the Relief of George Poindexter.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Quartermaster General of the United States be, and he is hereby, authorized and directed to cause to be ascertained the amount justly due and owing to George Poindexter for the use and occupation of his property, by the volunteers from the State of Kentucky, mustered into the service of the United States, for the war in Mexico, and that the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the amount so ascertained to be due, to be paid to the said Poindexter, out of any money in the Treasury not otherwise appropriated: *Provided*, That the same do not exceed the sum of fifteen hundred dollars, the amount awarded.

APPROVED, March 3, 1853.

[No. 89.]—*An Act for the Relief of Mary Pearson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place on the roll of revolutionary pensioners, the name of Mary Pearson, of Newberry, Massachusetts, widow of Silas Pearson, and pay her a pension at the rate of twenty-four dollars per annum, to commence on the sixteenth day of March, eighteen hundred and forty-eight, and continue during her natural life.

APPROVED, March 3, 1853.

[No. 90.]—*An Act for the Relief of Henry Miller, a soldier of the war of eighteen hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Henry Miller, a soldier in the service of the United States, in the late war with Great Britain, be placed on the roll of invalid pensions, at the rate of eight dollars per month, commencing on the fourteenth day of August, eighteen hundred and forty-seven.

APPROVED, March 3, 1853.

[No. 91.]—*An Act for the Relief of William J. Price.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William J. Price be, and he is hereby, confirmed in his title to a certain tract of land situate in the county of Jackson, State of Alabama, on the waters of Jones's Creek, known as William Jones's Reservation, it being the place first settled by William Jones, and, after his death, transferred by his widow and heirs-at-law to said William J. Price: *Provided*, That this confirmation shall only operate as a relinquishment on the part of the United States, and shall not affect the rights of any minor heir or heirs, or of third persons.

APPROVED, March 3, 1853.

[No. 92.]—*An Act for the Relief of Gilman Smith, of Sycamore, in the State of Illinois.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Gilman Smith, of Sycamore, in the State of Illinois, on the roll of invalid pensioners, and pay to him the sum of eight dollars a month, from the first day of January, one thousand eight hundred and fifty-two, and to continue during his natural life.

APPROVED, March 3, 1853.

[No. 93.]—*An Act granting a Pension to Elizabeth Monroe.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to Elizabeth Monroe, widow of Thomas J. C. Monroe, late of the Army of the United States, for the space of five years, to commence from the first day of January, Anno Domini eighteen hundred and fifty-two, a pension, payable semi-annually, equal to one half the pay to which the said Thomas J. C. Monroe was entitled at the time of his decease, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

[No. 94.]—*An Act for the Relief of Maria Taylor.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Maria Taylor, wife of William R. Taylor, of the parish of Ascension, State of Louisiana, claiming in her own right a certain tract of land situated in the parish of Ascension aforesaid, near its upper limits, on the left bank of the river Mississippi, containing eleven and a half arpents front by forty in depth, bounded above by the land of late Jean Louis Parent, and below by the land of late Pierre Prospere, together with the tract immediately adjacent to and back of said front tract, containing a front of twelve arpents, by forty additional arpents depth, with such diverging of the lateral lines as to embrace an arrea of five hundred acres, be and she is hereby, confirmed in the title thereto: *Provided*, That this act shall only be construed as a relinquishment of the Government of all claim to said tract of land: *And provided also*, That this act shall not operate against the claim of any third person to said tract of land.

APPROVED, March 3, 1853.

[No. 95.]—*An Act for the Relief of Betsey Norton.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Betsey Norton, widow of Freeman Norton, upon the list of revolutionary pensioners, and to pay her the sum of eight dollars per month, commencing on the first day of January, eighteen hundred and fifty-three.

APPROVED, March 3, 1853.

[No. 96.]—*An act for the Relief of Mary Woodward.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and required to place the name of Mary Woodward, who is the widow of the late Lieutenant Kirby S. Woodward, of the United States revenue service, who was drowned at the mouth of the Klamath river, coast of California, on or about the fifth day of November, eighteen hundred and fifty, on the pension roll, at a compensation of thirty dollars per month, commencing with the said fifth of November, eighteen hundred and fifty, and to continue to her during her widowhood, and after her death or intermarriage to be paid to her children, until they respectively arrive at sixteen years of age, agreeably to the provisions of the act of eleventh August, eighteen hundred and forty-eight.

APPROVED, March 3, 1853.

[No. 97.]—*An Act for the Benefit of John Ozias.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States is hereby authorized to pay to John Ozias, out of any money in the Treasury not otherwise appropriated by law, the sum of two hundred dollars, the amount paid by him on the thirty-first October, eighteen hundred and thirty-five, for a quarter section of land which the Government had sold to another.

APPROVED, March 3, 1853.

[No. 98.]—*An Act for the Relief of William H. Wells, and others.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to issue a land warrant for one hundred and sixty acres of land to William H. Wells, Edmund Wells, and Sally Wells, heirs-at-law of Lemuel Wells, deceased, to be located on any of the unappropriated lands of the United States which have been offered for sale and are subject to private entry, at one dollar and twenty-five cents per acre, which shall be in full compensation for all services rendered by said Lemuel Wells, deceased, as a soldier in the late war with Great Britain.

APPROVED, March 3, 1853.

[No. 99.]—*An Act for the Relief of Nathan H. Darling.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Nathan H. Darling, of Lake county, in the State of Illinois, on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the fifth day of April, eighteen hundred and fifty-two, and to continue during his life.

APPROVED, March 3, 1853.

[No. 100.]—*An Act to authorize the issuing of a Register to the Brig Boundary, and to change the Names of the Steamers Roger Williams and Propeller Ontario.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be issued under the direction of the Secretary of the Treasury, a register for the brig Boundary, formerly a British vessel, now owned by B. B. Titcomb, an American citizen, of Newburyport, Massachusetts, which vessel put into said port in distress, and was purchased by said Titcomb, in the winter of eighteen hundred and fifty-one: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairs of said vessel made in the United States subsequent to that time, by the present owner, is equal to three fourths of the value of such a vessel built in the United States.

SEC. 2. *And be it further enacted*, That the owners of the steamboat "Roger Williams" be, and they are hereby, authorized to change the name of said boat to that of "El Paraguay," and that the owners of the propeller Ontario be, and they are hereby, authorized to change the name of the said propeller to the "Carrier Pigeon."

APPROVED, March 3, 1853.

[No. 101.]—*An Act authorizing the Adjustment and Payment of the Claims of William Hazzard Wigg, deceased, for losses sustained by him during the War of the Revolution.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers, under the direction of the Secretary of the Treasury, adjust and settle the claims of Major William

Hazzard Wigg, deceased, late of the State of South Carolina, for losses sustained by him, the said Wigg, while retained as a hostage by the British officers during the war of the Revolution.

SEC. 2. *And be it further enacted*, That the said accounting officers, in the adjustment of the said losses, shall, and they are hereby, directed to allow the said Wigg the sum of thirty-seven thousand one hundred and ninety-seven dollars, with legal interest from the fourth day of March, eighteen hundred and fifty-one, until the day of stating the account of said losses.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to William Hazzard Wigg, the grandson of the said William Hazzard Wigg, deceased, the amount that shall be ascertained to be due on account of said losses, including the interest, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

[No. 102.]—*An Act to Incorporate the Georgetown and Catoctin Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the State of Maryland shall by law incorporate a company to lay out and construct a railroad, from any point, in connection with the Baltimore and Ohio Railroad, at or near the Point of Rocks, to Georgetown, in the District of Columbia, the right of way, not exceeding sixty-six feet wide, be, and is hereby, granted to such company: *Provided*, That before any such road, depôt, and its necessary fixtures shall be located in Georgetown, the assent of said city shall first be obtained: *And provided, also*, That the same provisions for the condemnation of, and payment for, land, or other private property for the use of the said road, as may be made by any act for the incorporation of such company by the State of Maryland shall be, and hereby are, extended to the condemnation of and payment for land or other private property for the use of the said road within the District of Columbia.

APPROVED, March 3, 1853.

[No. 103.]—*An Act for the Relief of the Southern Michigan Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be authorized, and is hereby directed, to pay to the Southern Michigan Railroad Company, out of any money not otherwise appropriated, the sum of nine hundred and seventy-one dollars and forty-three cents, for services in the transportation of the great northern mail from Toledo to Hillsdale, beyond Detroit, in the State of Michigan.

APPROVED, March 3, 1853.

RESOLUTIONS.

[No. 1.]—*A Resolution for surrendering the site of the old Oglethorpe Barracks to the City Council of Savannah, Georgia.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to convey to the City Council of Savannah, Georgia, the site of the old Oglethorpe Barracks adjacent to said city; which said site has long been abandoned by the Government, and in consideration of the liberality of said city, in surrendering to the Government heretofore certain lands now known as the new barracks in said city.

APPROVED, January 20, 1853.

[No. 2.]—*A Resolution for the Relief of Alexander Y. P. Garnett.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy cause to be paid to Alexander Y. P. Garnett the sum of one hundred and sixty-six dollars and ten cents, for his services as surgeon on board the ship Cyane, from the first day of March, eighteen hundred and forty-three, to the sixth day of August of the same year, in addition to any sum or sums which may have been paid said Garnett as assistant surgeon on account of his services.

APPROVED, February 3, 1853.

[No. 3.]—*Joint Resolution granting the petition of William and Matthew Moss.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to adjust and settle the account of William and Matthew Moss, contractors for carrying the mail on route number five thousand nine hundred and ninety-one, at the rate of fifteen hundred dollars per annum, from the first day of July, eighteen hundred and fifty, in the same manner as if that sum had been the consideration stipulated in the contract, instead of the sum of seven hundred dollars, for which their bid was erroneously made and a contract executed.

APPROVED, February 5, 1853.

[No. 4.]—*Joint Resolution for the Relief J. P. Converse, of Ohio.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and is hereby authorized and directed to pay to John P. Converse, of Ohio, out of the money of the Post Office Department, the sum of six hundred and thirty-six dollars and ninety-eight cents, ($636 98,) as compensation for his per diem services, and traveling and other expenses, whilst acting as a special agent for the Post Office Department.

APPROVED, February 26, 1853.

[No. 5.]—*A Resolution for the Relief of the heir of John De Neufville and Son.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby directed to allow and pay Mrs. Anna C. De Neufville Evans, the heir of John De Neufville and Son, in addition to the eight thousand seven hundred and sixty-seven dollars and sixty cents, or twenty-one thousand nine hundred and nineteen florins, allowed by joint resolution of the third March, eighteen hundred and fifty one, upon the report of the Comptroller to the Senate, the following sums, to wit: the share awarded to De Neufville and Son in the damages as part owners of the ships Aurora and Liberty, the charges for lighterhire, stay-days, traveling to the Texel, &c.; the charges for delivering of the goods, storage, &c.; the charges for journey to Paris, of Major Jackson and Leonard De Neufville to obtain Dr. Franklin's acceptance of bills. The amount of these four charges is three thousand three hundred and fifty-eight dollars and sixty cents, or seven thousand two hundred and sixty-one florins, also the balance due by the accounts and papers in the State Department, on notarial agreement dated the twenty-eighth December, seventeen hundred and eighty-one; the florin to be calculated at forty-six and one quarter cents; and interest at the rate of six per centum per annum from the time the debt was contracted to the day of payment; and the former partial settlement of the Comptroller to be corrected upon the above basis, as to the value of the florin and interest, the gratuity of three thousand dollars made the family of De Neufville, in seventeen hundred and ninety-seven, not to be taken from this claim.

APPROVED, March 3, 1853.

[No. 6.]—*Joint Resolution for the Relief of Thompson Barnett.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed and authorized to pay to Thompson Barnett, of Logansport, Indiana, out of the funds of his department, one hundred and twenty-three dollars and seventy-five cents, ($123 75,) in full for services rendered by said Barnett in carrying the mail from Logansport to Winnimac, Indiana, from July first, eighteen hundred and forty-two, to February sixteenth, eighteen hundred and forty-three.

APPROVED, March 3, 1853.

[No. 7.]—*A Resolution for the Relief of the Estate of Isaac L. Battle.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the estate of Isaac L. Battle, deceased, late of the County of Jackson, in the State of Florida, be, and the same is hereby, released from any liability under a judgment heretofore obtained by the Post Office Department against him as guarantor on behalf of Charles Matthews and William King, late of said county and State, as bidders for a contract to carry the United States mail, three times a week each way between Bainbridge, in the State of Georgia, and Pensacola, in the State (then Territory) of Florida, in the year one thousand eight hundred and forty-two.

APPROVED, March 3, 1853.

[No. 8.]—*A Resolution for the Relief of the Heirs of David Corderey.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the Treasury ascertain and pay to the legal representatives of David Corderey, deceased, the value of a certain reservation of six hundred and forty acres as unimproved land at the date of the treaty of eighteen hundred and thirty-five, which reservation was allowed under the eighth article of the treaty of eighteen hundred and seventeen, and thirteenth article of the treaty of eighteen hundred and thirty-five, made with the Cherokee Indians, and that the amount so ascertained, without interest, be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1853.

APPROPRIATIONS, NEW OFFICES, ETC.

APPROPRIATIONS, NEW OFFICES, &c.

STATEMENTS, SHOWING

I. Appropriations made during the second session of the Thirty-Second Congress.

II. Offices created, and the salaries thereof.

III. The offices the salaries of which have been increased, with the amount of such increase during the same period.

MAY 20, 1853.—*Prepared by the Secretary of the Senate and Clerk of the House of Representatives, in pursuance of the sixth section of the act of July 4, 1836, "to authorize the appointment of additional paymasters, and for other purposes."*

I.—APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE THIRTY-SECOND CONGRESS.

By the act making an appropriation for bringing to the seat of Government the votes for President and Vice President of the United States.

For the payment of the sums due by law to the several messengers of the respective States, as compensation for conveying to the seat of Government the vote of the electors of the said States for President and Vice President of the United States	$20,000 00

By the act making further appropriations for the construction of roads in the Territory of Minnesota.

For the construction of a road from Point Douglas, on the Mississippi river, to the falls or rapids of the St. Louis river of Lake Superior, by the most direct and convenient route between those points	$20,000 00
For the construction of a road from Point Douglas to Fort Gaines, now Fort Ripley	10,000 00
For the construction of a road from the mouth of Swan river, or the most expedient point near it, north or south of said river, to the Winnebago agency at Long Prairie	5,000 00
For the construction of a road from Wabashaw to Mendota	5,000 00
For the survey and laying out of a military road from Mendota to the mouth of Big Sioux river, on the Missouri	5,000 00
	$45,000 00

By the act for the construction of military roads in Oregon Territory.

For the construction of a road from Stilacoomb, on Puget's Sound, to Fort Walla Walla	$20,000 00
For the construction of a road from the mouth of Myrtle Creek, on the Umpqua River, to Camp Stuart, in Rogue River Valley	20,000 00
	$40,000 00

By the act making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For invalid pensions under various acts	$480,000 00
For pensions to widows and orphans under the acts of July the fourth, one thousand eight hundred and thirty-six, and July the twenty-first, one thousand eight hundred and forty-eight	28,000 00
For pensions to widows under the act of seventh July, one thousand eight hundred and thirty-eight	90,000 00
For pensions to widows under the act of third March, one thousand eight hundred and forty-three	30,000 00
For pensions to widows under the acts of seventeenth of June, one thousand eight hundred and forty-four, second of February, one thousand eight hundred and forty-eight, and twenty-ninth of July, one thousand eight hundred and forty eight	272,000 00
For half-pay pensions to widows and orphans provided for by the eleventh section of an act, approved January the twenty-ninth, one thousand eight hundred and thirteen, and the first and second sections of an act, approved the sixteenth of April, one thousand eight hundred and sixteen, in addition to an unexpended balance	10,000 00
	$910,000 00

By the act making an appropriation for the payment of Navy pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For invalid pensions	$25,000 00

By the act to erect at the capital of the nation an Equestrian Statue of Washington.

To enable the President of the United States to employ Clark Mills to erect, at the city of Washington, a colossal equestrian statue of George Washington, at such place on the public grounds in said city as shall be designated by the President of the United States	$50,000 00

By the act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of sixth August, eighteen hundred and forty-six, for the additional services required under that act.

To meet the allowances which may be made under the provisions of this act	$20,000 00

By the act to establish the Territorial Government of Washington.

For the erection of suitable buildings at the seat of government	$5,000 00
For the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations as shall be prescribed by law	5,000 00
	$10,000 00

By the act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For pay of officers, instructors, cadets, and musicians	$88,266 00
For commutation of subsistence	2,190 00
For forage for officers' horses	960 00
For repairs, fuel, and apparatus therefor, forage for public horses and oxen, postage, stationery, printing, and other incidental and contingent expenses	29,660 00
For increase and expenses of the library	1,000 00
For expenses of the Board of Visiters	3,000 00
For completion of the new mess hall	3,500 00
For stable for dragoon and artillery horses	8,000 00
For forage for dragoon and cavalry horses	8,640 00
For additional pay of fifty dollars each to the soldier employed in the adjutant's office as clerk, and to the two enlisted men employed in the philosophical and chemical departments	150 00
For the construction of a wharf	4,330 00
	$149,696 00

By the act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three.

For compensation of the Vice President of the United States	$1,638 89
For outfit of a Chargé d'Affaires to Denmark	4,500 00
For salary to the Commissioner at the Sandwich Islands, from the seventh of June, eighteen hundred and fifty, to July first, eighteen hundred and fifty two, and to make the same equal to the sum now provided for by law	4,414 00
For the contingent expenses of the office of the Treasurer of the United States	1,000 00
For salaries and commissions of registers of land offices and receivers of public moneys	8,000 00
For expenses of depositing public moneys, by receivers of public moneys	2,050 00
For incidental expenses of the several land offices	3,800 00
For the extension of the United States Capitol	400,000 00
For the completion of the repairs of the Congressional Library Room, authorized by the act approved March nineteenth, eighteen hundred and fifty-two	20,500 00
For compensation of three men, at one dollar per day each, for one year, to finish and keep in order Lafayette Square	1,095 00
For inclosing Lafayette Square with an iron fence	5,100 00
For completing the work of the Seventh Census, and to prepare the same for publication	25,000 00
For stationery, printing blank forms and regulations, furniture, binding books, and miscellaneous items in the office of Commissioner of Pensions	10,000 00
For engraving for fifty one thousand five hundred and twenty copies of the mechanical part of the Patent Office Report for eighteen hundred and fifty-one-two	585 00
To pay for the Congressional Globe and Appendix, and the Annals of Congress, ordered for the use of the Library of the House of Representatives, under the resolution of the House of September twenty-eight, eighteen hundred and fifty	4,500 00
To enable the Clerk of the House of Representatives to furnish, pay for, and deliver the same books to five new members of the present Congress, as per resolution of said House passed twenty-sixth July, eighteen hundred and fifty-two	4,500 00
For compensation of five clerks, authorized to be appointed and employed by the Postmaster General, under the thirteenth section of the act of thirty-first August, eighteen hundred and fifty-two	4,504 90
For compensation to an assistant day watchman of the General Post Office, from the fifteenth of September, eighteen hundred and fifty-two, until the thirtieth June, eighteen hundred and fifty-three	475 00
For the payment of the amount due William Williams, under the sixteenth article of the Cherokee treaty of eighteen hundred and thirty-five and six, being the balance of an award of four hundred and five dollars by the commissioners under said treaty, two hundred and fifty five dollars of which was paid out of the appropriation "for carrying into effect the Cherokee treaty of eighteen hundred and thirty five and six"	150 00
To pay Gregory Ennis, executor of Philip Ennis, deceased, balance due upon a contract for filling up the low ground south of the President's house, authorized by act of March third, eighteen hundred and forty-nine	474 54
For expenses of the Board of Visiters at the Military Academy	557 83
For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing American citizens and American vessels from shipwreck	2,000 00
For the compensation of Senators for the year ending thirtieth June, eighteen hundred and	

fifty-three, in addition to appropriations heretofore made, and including that for the special session commencing fourth March, eighteen hundred and fifty-three..... 25,000 00

For contingent expenses of the Senate, viz:

For binding..... 20,000 00
For lithographing and engraving..... 20,000 00
For books..... 2,300 00
For Congressional Globe, and binding the same, 1,843 00
For messengers, pages, laborers, police, horses, and carry-alls..... 10,000 00
For clerks of President of the Senate and committees, draughtsmen, firemen in crypt, and other miscellaneous items..... 36,600 00
For the printing of the Senate for the first session of the Thirty Second Congress..... 14,533 00
For the printing of the House of Representatives for the first session of the Thirty-Second Congress..... 25,570 00
For the printing of the Senate for the second session of the Thirty-Second Congress..... 37,463 00
For the printing of the House of Representatives for the second session of the Thirty-Second Congress..... 56,194 00

For contingent expenses of the House of Representatives, viz:

For newspapers for members..... 5,000 00
For horses and carriages..... 1,100 00
For clerks, messengers, pages, and laborers.... 10,500 00
For clerks on maps for the use of the Committee on Public Lands..... 7,500 00
For folding documents for members..... 4,000 00
For clerks on index of private claims..... 28,912 50
For miscellaneous items..... 24,951 00
For paper used and to be used for printing for the Senate for the first session of the Thirty-Second Congress..... 13,234 40
For paper used and to be used for printing for the House of Representatives for the first session of the Thirty-Second Congress..... 16,411 50
For paper for the printing for the two Houses of Congress for the second session of the Thirty-Second Congress, being for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-three..... 104,064 00
For compensation to the Superintendent of Public Printing, and the two clerks and messengers in his office..... 4,376 33
For blank books, advertising for proposals for paper, postage, &c..... 1,550 00
To enable the Clerk of the House of Representatives to comply with the resolution of the House of Representatives, passed on the twenty-second of December, one thousand eight hundred and fifty-two, to pay John S. Little per diem and mileage while contesting the seat of John Robbins, Jr., during the Thirty-First Congress..... 2,376 00
To enable the Clerk of the House of Representatives to comply with the resolution of the House of Representatives, passed on the twenty-second of December, one thousand eight hundred and fifty-two, to pay Hendrick B. Wright per diem and mileage while contesting the seat of Henry M. Fuller during the Thirty-Second Congress..... 1,939 20
To enable the Clerk of the House of Representatives to comply with the resolution of the House of Representatives, passed on the twenty-second of December, one thousand eight hundred and fifty-two, to pay John Taliaferro per diem and mileage while contesting the seat of John P. Hungerford during the Twelfth Congress..... 222 00
For salary of an assistant dragoman and secretary to the legation to Turkey..... 1,500 00
For clerk hire at the legation of the United States at London for one year..... 880 00
For relief of such of the Cuban prisoners, not citizens of the United States, as were pardoned by the Queen of Spain and sent out of her dominions by the United States Minister at Madrid, and the American Consul at Gibraltar, 713 34
For extra clerk hire and copying in the Department of State..... 2,000 00
For clerk hire, office rent, fuel, lights, and stationery, for the Superintendent of Indian Affairs in Oregon..... 2,400 00
For traveling expenses of Superintendent of Indian Affairs in Oregon, and agents therein.... 2,000 00
For general incidental expenses of the Indian service in the Territory of Utah..... 12,000 00
For payment of the second of ten installments in provisions, merchandise, &c., and the transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie of seventeenth of September, one thousand eight hundred and fifty one..... 60,000 00
For the service of the Post Office Department, to supply a deficiency in the revenues of said Department, to meet the appropriations therefor for the year one thousand eight hundred and fifty-three..... 505,000 00
For the reappropriation of the following sums, carried to the surplus fund per warrant number seven, dated twentieth of September, one thousand eight hundred and fifty-two, under the provisions of the tenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes," approved thirty-first of August, one thousand eight hundred and fifty-two, to be applied to the payment of all expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two, under the following heads, viz:

For military stations on route to Oregon..... 3,203 00
For secret service money in Mexico..... 19,514 50
For Mexican hostilities..... 10,569 06
For contingencies of the Army..... 4,804 75
For transportation, supplies, &c., in Quartermaster's Department..... 18,952 35
For pay of Florida militia, on account of Quartermaster's Department..... 4,537 08
For repressing Seminole hostilities..... 264 43
For arrearages prior to the year one thousand eight hundred and seventeen..... 467 17
For arrearages of expenses of Indian service in Texas..... 1,015 08
For subsistence of eleven regiments of volunteers..... 394 80
For improvement of the Genesee river..... 176 10
For removing obstructions at harbor of Cleveland, Ohio..... 145 69
For sea-wall at Buffalo Creek..... 349 05
For harbor at Ashtabula, Ohio..... 43 64
For harbor at Milwaukie, Wisconsin..... 163 94
For repairs, roads, &c., for armies in the field.. 5,397 05
For surveys with armies in the field..... 496 40
For survey from the Mississippi river to the Pacific ocean..... 5,000 00
For arrearages of pay due Florida militia under General Read..... 7,241 93
For traveling allowance to volunteers.....118,204 44
For pay of Louisiana and Texas volunteers..... 18,060 49
For pay of ten regiments of regular troops..... 8,547 51
For pay of volunteers under resolution of the eighth of August, one thousand eight hundred and forty-six..... 7,153 17
For pay of eleven regiments of volunteers..... 26,998 69
For pay of volunteers..... 68,157 73
For three months' extra pay.....200,000 00
For services of private physicians..... 130 27
For pay of Florida militia on account of subsistence..... 1,039 39
For subsistence of ten regiments of regular troops 684 86
For the payment of such sums as may be due to individuals under the act of March third, eighteen hundred and fifteen, for property destroyed by the burning of the navy yard in the city of Washington, in the year eighteen hundred and fourteen..... 750 00
For the purpose of completing the pedestal of the equestrian statue of Andrew Jackson, in Lafayette Square, and the erection of a suitable iron railing around the same..... 3,000 00
For salaries of nine supervising and fifty local inspectors appointed under act approved August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them..... 53,870 50
To supply a deficiency in the appropriation for the completion of the east wing of the Patent Office Building..... 44,000 00
For deficiency in the appropriation heretofore made to the Bureau of Topographical Engineers, to enable said bureau to pay to Loriston Averil an account due him..... 314 30
For compensation of the acting Secretary of the Territory of Utah, from the fourteenth of October, eighteen hundred and fifty-one, to the twenty sixth of October, eighteen hundred and fifty-two..... 1,859 16
To pay James S. Buckley for services as keeper of the navy-yard Eastern Branch bridge, from fourth December, eighteen hundred and forty-eight, to July first, eighteen hundred and fifty, 708 00
For payment of arrearages due to David Finch as superintendent of the painting the exterior walls of the Patent Office and Treasury Buildings... 117 50
For repairs of vessels employed in the Coast Survey..... 10,000 00
To supply a deficiency in the contingent expenses of the office of the Secretary of the Treasury for the fiscal year ending thirtieth June, eighteen hundred and fifty-three..... 4,550 00
For the repair of damages to, and the improvement of, Lafayette Square..... 1,278 00
For compensation of the United States assayer at San Francisco, California, from the first of January, eighteen hundred and fifty two, to the thirtieth of June, eighteen hundred and fifty-three..... 7,500 00
For temporary clerk hire in the office of the Auditor of the Post Office Department..... 1,000 00
For arrears of compensation due A. J. Downing for services as rural architect at the time of his death..... 625 00
For laying out and gravelling the roads and walks, purchasing manure and trees, and seeding down in grass the square south of the President's House, and for paying any balance which may be due for work done and performed..... 12,000 00
For providing proper foundations for the custom-house at San Francisco, authorized by the sixth section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two," and in addition to the sum heretofore appropriated..... 25,000 00
For fuel and quarters for officers of the Army serving on light house duty, the payment of which is no longer made by the Quartermaster Department..... 2,341 27
For deficiency in the fund for purchasing light-house supplies..... 6,200 00
For the reappropriation of seven hundred and fifty-four dollars and forty cents, being a portion of the amount heretofore appropriated for the erection of a custom-house at Eastport, Maine, and carried to the surplus fund on the thirtieth of June, eighteen hundred and fifty-two; the unexpended balance of the appropriation by the act of June nineteen, eighteen hundred and thirty-four, "for payment of the Georgia militia," etc., which has passed by subsequent acts into the surplus fund, be, and the same is hereby, reappropriated.....[Indefinite.]
For balance due Levi Johnson for the site for marine hospital at Cleveland, Ohio..... 3,396 00
For payment of salaries of deputy surveyors at Boston, New York, Philadelphia, Baltimore, and New Orleans..... 2,500 00
To pay Walter S. Burges (late district attorney of the State of Rhode Island) for his services and money paid out in defending Captain Simonds, of the brig Caket, by order of John Y. Mason, late Secretary of the Navy..... 584 89
For additional allowance to E. S. Norris and George R. Stuntz, made to them as deputy surveyors under the surveyor general of Wisconsin and Iowa..... 4,218 64
For payment of the amount due Thomas W. Lane upon three several drafts drawn in his favor by G. W. Barbour, Indian agent in California, upon R. McKee, disbursing agent for transportation, supplies, and labor furnished said agent upon special contract while treating with the Indians in said State..... 3,825 00
For the services of a striker in the shop of the Delaware Indians, from August first, eighteen hundred and twenty three, to August thirty-first, eighteen hundred and twenty-six; and for the services of a smith and striker in the shop of the Senecas and Shawnees of Lewistown, from seventeenth November, eighteen hundred and thirty-three, to fifteenth February, eighteen hundred and thirty-eight, deducting all amounts paid for such service during said period; and for balance due for services on Seneca mill dam, as estimated for by the proper department..... 2,229 00
For compensation of five members of the House of Representatives appointed a committee of investigation upon all facts touching the connection of Thomas Corwin, Secretary of the Treasury, with the Gardiner claim, and authorized to sit during the recess between the first and second sessions of the present Congress.. 3,840 00
To enable the Clerk of the House of Representatives to pay Peter Force and John C. Rives for one hundred and two copies of the third volume of the fifth series of the "American Archives," or "Documentary History of the United States," for the new members of the House of the Twenty-Sixth Congress; one hundred and seventeen copies of the same volume for the new members of the Twenty-Seventh Congress; one hundred copies of the same volume for the new members of the Twenty-Eighth Congress; one hundred and one copies of the same volume for the new members of the Twenty-Ninth Congress; one hundred and sixteen copies of the same volume for the new members of the Thirtieth Congress; one hundred and thirty-four copies of the same volume for the new members of the Thirty-First Congress; and one hundred and thirty copies of the same volume for the new members of the Thirty-Second Congress; in all eight hundred volumes, at sixteen dollars forty-five cents and six mills per volume..... 13,168 40
To enable the Clerk of the House of Representatives to pay for reporting and publishing eight hundred and fifty columns of the proceedings of the House of Representatives of the second session of the Thirty Second Congress in the Daily Globe, at seven dollars and fifty cents per column..... 6,375 00
To enable the said John C. Rives to pay the reporters of this House for this session the sum of seven dollars per column instead of four for the reports of the Congressional Globe..... 3,000 00
To enable the Clerk of the House of Representatives to pay a balance due for reporting and publishing the proceedings of the House during the first session of the Thirty-Second Congress, being sixty five columns and one line, at the rate of seven dollars and fifty cents per column, 487 54
To enable the Clerk of the House of Representatives to pay for twenty-four copies of the Congressional Globe and Appendix of the second session of the Thirty-Second Congress for each member and delegate of the House..... 17,064 00
For binding the same, being five thousand six hundred and eighty-eight volumes, in strong and substantial half binding, with Russia backs and corners, at a rate not exceeding sixty cents per volume..... 3,412 80
For this amount of money appropriated, and goods purchased under treaty stipulations for the Lake Chippewa Indians, lately destroyed by fire at the agency of said Indians..... 15,000 00
For paying expenses of David Dale Owen's Geological Report, from Philadelphia to Washington, for one hundred and seventeen boxes, and portage..... 99 45
For insurance..... 90 00
For freight on one hundred and seventeen boxes, 146 00
To pay John McReynolds for expenses incurred by him in removing materials for the construction of a light-house in the State of Michigan,

the Department having changed the site after said materials were delivered at the site first selected 1,000 00

To the officers appointed to assist the Superintendent of the Naval Astronomical Expedition in Chili, directed by the act of third of August, eighteen hundred and forty-eight, increased compensation in a ratable proportion, according to pay and rank, at the time of departure from the United States, to the allowance made to the said Superintendent by the act of March third, eighteen hundred and fifty-one.....[Indefinite.]

$2,353,909 56

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four.

Legislative.

For compensation and mileage of Senators....$187,999 20
For compensation and mileage of members of the House of Representatives, and Delegates from Territories.....655,373 60
For compensation of the officers and clerks of both Houses of Congress 57,930 00

For the contingent expenses of the Senate, viz:

For binding..... 15,600 00
For lithographing and engraving..... 15,000 00
For books..... 12,000 00
For stationery..... 8,000 00
For newspapers..... 2,500 00
For Congressional Globe and binding the same.. 8,000 00
For reporting proceedings..... 24,500 00
For clerks to committees, and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses, and carry alls 55,000 00
To enable the Clerk of the House of Representatives to comply with the resolution of said House of March first, one thousand eight hundred and fifty-three, directing him to pay the usual extra compensation to the employees in and about the Capitol.....[Indefinite.]
To supply a deficiency in the appropriations heretofore made for the contingent expenses of the Senate, for lithographing and engraving, for the year ending June thirtieth, eighteen hundred and fifty three..... 24,000 00
For miscellaneous items 20,000 00
To supply a deficiency in the appropriation for the fiscal year ending thirtieth June, one thousand eight hundred and fifty three, and to defray the expenses of select committees of investigation appointed by the Senate 18,000 00

For the expenses of the House of Representatives, viz:

For furniture, carpeting, and repairs..... 6,000 00
For twenty-one messengers 20,162 00
For the messenger who has charge of the hall of the House of Representatives..... 1,450 00
For two messengers in Clerk's office..... 3,000 00
For horses and carriages..... 2,755 00
For saddle horses..... 600 00
For fuel, oil, and candles..... 4,500 00
For newspapers for members..... 10,000 00
For Capitol police 3,560 00
For engraving and lithographing 21,000 00
For binding documents..... 25,000 00
For folding..... 10,000 00
For laborers 2,500 00
For pages 4,000 00
For stationery..... 20,000 00
For miscellaneous items 10,000 00

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger..... 4,500 00
For contingent expenses of said library..... 1,000 00
For purchase of books for said library..... 5,000 00
For purchase of law books for said library..... 2,000 00
For the completion of the publication of the works of the Exploring Expedition, in pursuance of contracts already made..... 25,000 00
For the preparation and publication of a general catalogue of the library of Congress 3,000 00

Executive.

For compensation of the President of the United States..... 25,000 00
For compensation of the Vice President of the United States..... 5,000 00

Department of State.

For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office..... 33,700 00

For the incidental and contingent expenses of said Department.

For publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington 16,025 00
For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation..... 10,000 00
For the payment of the expenses attendant upon the funeral obsequies of the late Secretary of State..... 1,229 37
For stationery, blank-books, binding, labor, and attendance, furniture, fixtures, repairs, painting, and glazing..... 4,400 00
For books and maps..... 890 70
For newspapers..... 200 00
For miscellaneous items..... 1,000 00

Northeast Executive Building.

For compensation of the superintendent and four watchmen of the northeast executive building, $2,250 00

For contingent expenses of said building, viz:

For fuel, labor, oil, and repairs 3,300 00

Treasury Department.

For compensation of the Secretary of the Treasury, and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office 32,050 00
For compensation of the First Comptroller, and the clerks and messenger in his office..... 22,150 00
For compensation of the Second Comptroller, and the clerks and messenger in his office 24,650 00
For compensation of the First Auditor, and the clerks, messenger, and assistant messenger in his office..... 23,000 00
For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger in his office 34,800 00
For compensation of the Third Auditor, and the clerks, messenger, and assistant messenger in his office..... 59,150 00
For compensation to temporary clerks, employed in the office of the Third Auditor in making out certificates of service from the muster rolls of eighteen hundred and twelve, and the several Indian wars, and on arrearages of pay..... 31,100 00
For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office..... 20,450 00
For compensation of the Fifth Auditor, and the clerks and messenger in his office..... 11,400 00
For compensation of the Treasurer of the United States, and the clerks and messenger in his office..... 13,750 00
For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office..... 30,800 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, 13,850 00
For compensation of the Commissioner of Customs, and the clerks and messenger in his office 16,500 00
For compensation of the clerks and messenger of the Light-House Board..... 6,400 00

Contingent expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For labor, blank books, stationery, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress—said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than three dollars and thirty-three and one third cents per day for the time actually and necessarily employed..... 8,550 00
For miscellaneous items..... 2,800 00

In the office of the First Comptroller:

For blank books, binding, stationery, furniture, labor, and miscellaneous items..... 2,040 00

In the office of the Second Comptroller:

For blank books, binding, stationery, including pay for the National Intelligencer and the Union, to be filed and preserved for the use of the office..... 700 00
For labor, office furniture, and miscellaneous items..... 800 00

In the office of the First Auditor:

For blank books, binding, and stationery, labor, and cases for records and official papers..... 1,000 00
For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office..... 300 00

In the office of the Second Auditor:

For blank books, binding, stationery, labor, office furniture, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, and miscellaneous items.... 1,332 84

In the office of the Third Auditor:

For blank books, binding, stationery, office furniture, including carpeting, two newspapers—the Union and Intelligencer—to be filed, labor, and miscellaneous items..... 1,894 79
For expenses of arranging document rooms and preserving files and papers..... 1,000 00
For contingencies incident to the bounty land service, and arrearages..... 1,400 00

In the office of the Fourth Auditor:

For stationery, books, and binding..... 600 00
For labor..... 100 00
For miscellaneous items..... 200 00

In the office of the Fifth Auditor:

For blank books, binding, and stationery..... 250 00
For hire of laborers..... 175 00
For miscellaneous expenses..... 300 00

In the office of the Treasurer:

For blank books, binding, stationery, labor, and miscellaneous items..... 1,262 00

In the office of the Register:

For blank books, binding, and stationery, including one thousand five hundred dollars for ruling and full binding twenty three books for recording the collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use..... 2,946 00
For labor and other miscellaneous items, and for additional cases for filing the accounts of the First and Fifth Auditors, and the Commissioner of the General Land Office..... 2,000 00
For arranging and binding canceled marine papers, returned by the collectors of the customs, 1,000 00

In the office of the Solicitor:

For blank books, binding, stationery, and for labor..... 200 00
For miscellaneous items..... 200 00
For statutes and reports, including those of the several States..... 1,000 00

In the office of the Commissioner of Customs:

For blank books, binding, stationery, and labor.. 1,700 00
For miscellaneous items..... 225 00

Light-House Board.

For blank books, binding, and stationery..... 250 00
For miscellaneous expenses 350 00

Southeast Executive Building.

For compensation of the superintendent and eight watchmen of the southeast executive building 4,500 00
For contingent expenses of said building, viz: for labor, fuel, and lights..... 14,500 00
For rent of additional buildings, in part occupied by the Secretary of the Interior, and part by the First Auditor of the Treasury..... 3,500 00
For fuel, watching, and miscellaneous items for the same..... 4,000 00

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers in his office 24,700 00
For compensation of the Commissioner of the General Land Office, and recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office 96,806 00
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office..... 26,200 00
For compensation of the Commissioner of Pensions, and the clerks and messengers in his office..... 18,800 00
For compensation to temporary clerks employed in the office of the Commissioner of Pensions.. 42,046 66

Contingent expenses of the Department of the Interior.

In the office of the Secretary of the Interior:

For books, stationery, furniture, and other contingencies 3,700 00
For library, books, and maps..... 1,000 00

In the General Land Office:

For compensation of laborers..... 2,000 00
For cash system and military patents, under laws prior to thirtieth of September, eighteen hundred and fifty; patent and other records, tract books, blank books, for the district land offices; binding plats, field notes, &c.; stationery, office furniture, and repairs of the same, and miscellaneous items..... 36,325 00
For parchment, maps, records, letter and other records, required under the swamp land act of twenty eighth of September, eighteen hundred and fifty; military bounty acts of twenty-eighth of September, eighteen hundred and fifty, and twenty-second of March, eighteen hundred and fifty-two, and for the satisfaction of Virginia land warrants, per act of thirty-first of August, eighteen hundred and fifty-two; printing plate and engraving scrip, authorized to be issued by act of thirty-first of August, eighteen hundred and fifty-two, including form, &c., under said act, and other miscellaneous expenses..... 39,700 00

In the office of the Commissioner of Indian Affairs:

For blank books, binding, and stationery..... 1,000 00
For labor 200 00
For miscellaneous items..... 800 00

In the office of the Commissioner of Pensions:

For stationery..... 3,000 00
For binding books..... 1,000 00
For furniture..... 500 00
For engraving bounty land warrants..... 4,500 00
For miscellaneous items..... 1,000 00

Contingent expenses of east wing of Patent Office Building, viz:

For labor, fuel, lights, and incidental expenses.. 2,200 00

War Department.

For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office..... 18,050 00
For compensation of the clerk and messenger in the office of the Commanding General..... 1,500 00
For compensation of the clerks and messenger in the office of the Adjutant General..... 10,450 00
For compensation of the clerks and messenger in the office of the Quartermaster General..... 12,300 00
For compensation of the clerks and messenger in the office of Clothing and Equipage, in Philadelphia..... 4,040 00
For compensation of the clerks and messenger in the office of the Paymaster General..... 9,900 00

For compensation of the clerks and messenger in the office of the Commissary General of Subsistence 7,380 00
For compensation of the clerks and messenger in the office of the Chief Engineer 5,900 00
For compensation of the clerks and messenger in the office of the Surgeon General 3,650 00
For compensation of the clerks and messenger in the office of the Colonel of Ordnance 8,650 00
For compensation of the clerks and messenger in the Bureau of Topographical Engineers 4,900 00

Contingent Expenses of the War Department.

In the office of the Secretary of War:

For blank books, stationery, and labor 1,450 00
For miscellaneous items 550 00
For books, maps, and plans 1,000 00
For extra clerks 1,500 00

In the office of the Commanding General:

For miscellaneous items 300 00

In the office of the Adjutant General:

For blank books, binding, and stationery 500 00
For miscellaneous items, including office furniture 500 00

In the office of the Quartermaster General, including the office at Philadelphia:

For blank books, binding, and stationery 700 00
For labor 150 00
For miscellaneous items 400 00
For office rent at Philadelphia 500 00

In the office of the Commissary General of Subsistence:

For blank books, binding, stationery, advertising, and labor 2,900 00
For miscellaneous items 150 00

In the office of the Chief Engineer:

For blank books, binding, and stationery 500 00
For miscellaneous items, including subscription to two daily Washington newspapers 400 00

In the office of the Surgeon General:

For blank books, binding, and stationery 200 00
For miscellaneous items 150 00

In the office of the Colonel of Ordnance:

For blank books, binding, and stationery 400 00
For miscellaneous items 350 00

In the Bureau of Topographical Engineers:

For blank books, binding, stationery, and labor .. 1,250 00
For miscellaneous items 500 00

Northwest Executive Building.

For compensation of the superintendent and four watchmen of the northwest executive building 2,250 00

For contingent expenses of said building, viz:

For labor, fuel, and lights 2,400 00
For miscellaneous items 1,600 00

Building corner of F and Seventeenth streets.

For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it 21,875 00
For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets 2,250 00

For contingent expenses of said building:

For miscellaneous items, including labor 1,400 00

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger, in his office 22,000 00
For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and the clerks, draughtsman, and messenger in his office 13,600 00
For compensation of the Chief Naval Constructor and the Engineer-in-Chief 6,000 00
For compensation of the Chief of the Bureau of Ordnance and Hydrography, and the clerks, draughtsman, and messenger in his office 9,400 00
For compensation of the Chief of the Bureau of Navy-Yards and Docks, and the civil engineer, draughtsman, clerks, and messenger in his office 12,600 00
For compensation of the clerks and messenger in the Bureau of Provisions and Clothing 7,300 00
For compensation to the Chief of the Bureau of Medicine and Surgery, and the assistant to chief, clerks, and messenger in his office 7,700 00

Contingencies of the Navy Department.

For contingencies of the Navy Department and all the bureaus connected therewith, viz:

For blank books, binding, stationery, books, plans, drawings, labor, newspapers and periodicals, incidental and miscellaneous items 6,430 00

Southwest Executive Building.

For compensation of the superintendent and four watchmen of the southwest executive building, 2,250 00

For contingent expenses of said building, viz:

For labor 325 00
For fuel and lights 1,550 00
For miscellaneous items 1,150 00

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, and assistant messengers, and watchmen of said department 108,900 00
For compensation of the superintendent of the Post Office Building 250 00

Contingent expenses of the Post Office Department.

For blank books, binding, stationery, fuel for the General Post Office Building, including the Auditor's office, oil, gas, and candles, labor, day watchmen, and for miscellaneous expenses, 11,800 00
For repairs of the General Post Office Building, for office furniture, glazing, whitewashing, and for keeping the fire places and furnaces in order, 1,500 00

Auditor of the Post Office Department.

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office 103,900 00

For contingent expenses of said office, viz:

For labor 3,080 00
For stationery 2,300 00
For blank books 1,200 00
For binding and ruling 620 00

For miscellaneous items, viz:

For file-boards, repairs, cases, desks for safe-keeping of paper, new furniture, lights, washing towels, ice, horse for messenger, telegraphic dispatches, stoves, &c 1,500 00

Mint of the United States.

At Philadelphia:

For salaries of director, treasurer, chief coiner, melter, and refiner, engraver, assayer, assistant assayer, and six clerks 22,900 00
For wages of workmen 72,000 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs, and wastage, in addition to other available funds 41,500 00
For specimens of ores and coins, to be preserved at the Mint 300 00

At Charlotte, North Carolina:

For salaries of superintendent, coiner, assayer, and clerk 6,000 00
For wages of workmen 4,100 00
For incidental and contingent expenses, including wastage of gold, fuel, materials, stationery, and repairs 1,500 00

At Dahlonega, Georgia:

For salaries of superintendent, coiner, assayer, and clerk 6,000 00
For wages of workmen 3,600 00
For incidental and contingent expenses, including wastage, in addition to other available funds .. 1,400 00

At New Orleans, Louisiana:

For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and clerks 17,300 00
For wages of workmen 35,700 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs, and wastage, in addition to other available funds 68,000 00

Government in the Territories.

Territory of Oregon:

For salaries of Governor, three Judges, and Secretary 10,500 00
For contingent expenses of said Territory 1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00

Territory of Minnesota:

For salaries of Governor, Superintendent of Indian Affairs, three Judges, and Secretary 9,700 00
For contingent expenses of said Territory 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00

Territory of New Mexico:

For salaries of Governor, Superintendent of Indian Affairs, three Judges, and Secretary 9,700 00
For contingent expenses of said Territory 1,000 00
For payment of expenses of the Board of Commissioners to prepare and compile a code of laws for the better government of the Territory of New Mexico, authorized by the act of the Legislative Assembly, approved July fifteenth, eighteen hundred and fifty one 1,855 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00

Territory of Utah:

For salaries of Governor, Superintendent of Indian Affairs, three Judges, and Secretary 9,700 00
For contingent expenses of said Territory 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00
To enable the President to cause a site to be purchased, and a suitable building to be erected for a penitentiary in each of the Territories of Utah and New Mexico 20,000 00

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight Associate Judges 41,000 00
For salaries of the District Judges 70,700 00
For salaries of the Chief Judge of the District of Columbia, the Assistant Judges, and the Judges of the Criminal Court and the Orphans' Court 11,700 00
For salaries of the Attorney General and the clerks and messenger in his office 10,300 00
For contingent expenses of the office of the Attorney General 500 00
For salary of the Reporter of the Decisions of the Supreme Court 1,300 00
For compensation of the District Attorneys 8,800 00
For compensation of the Marshals 7,400 00
For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-four, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners 672,000 00
To pay the claim presented by the county of Lee, in the State of Iowa, for the expenses of the United States District Court, which were paid by said county prior to the admission of said State into the Union 14,400 00
To aid the Directors of the Washington Infirmary to enlarge their accommodations for the benefit of sick transient paupers 20,000 00

Surveyors General and their Clerks.

For compensation of the Surveyor General northwest of the Ohio, and clerks in his office .. 8,300 00
For compensation of the Surveyor General of Illinois and Missouri, and the clerks in his office 5,820 00
For compensation of the Surveyor General of Louisiana, and the clerks in his office 4,500 00
For compensation of the Surveyor General of Florida, and the clerks in his office 5,500 00
For compensation of the Surveyor General of Wisconsin and Iowa, and the clerks in his office 8,300 00
For compensation of the Surveyor General of Arkansas, and the clerks in his office 8,300 00
For compensation of the Surveyor General of Oregon, and the clerks in his office 6,500 00
For compensation of the Surveyor General of California, and the clerks in his office 18,500 00
For clerks in the offices of the Surveyors General, including the offices in Oregon and California, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field notes of surveys, for the purpose of preserving them at the seat of Government 40,000 00

Light-House Establishment.

For supplying the light-houses, containing three thousand two hundred and seventy-two lamps, with oil, lamp glasses, wicks, buff-skins, polishing powder, whiting, and other cleaning materials; transportation, and other necessary expenses on the same; repairing and keeping in repair the lighting apparatus; publishing necessary rules, regulations, and instructions; notices to mariners of changes of aids to navigation, and of lights, &c 182,339 78
For supplying forty-nine light-houses, to contain five hundred and sixty one lamps, with oil, &c., &c., as above, authorized by acts of third March, one thousand eight hundred and fifty-one, and thirty first of August, one thousand eight hundred and fifty-two 30,460 34
For repairs and incidental expenses, refitting and improvements of three hundred and forty-nine light-houses, and buildings connected therewith 110,857 66
For repairs and incidental expenses, refitting and improvements of forty-nine light-houses and buildings connected therewith, provided for by acts of third of March, one thousand eight hundred and fifty-one, and thirty-first of August, one thousand eight hundred and fifty-two 94,814 71
For salaries of three hundred and twenty-one light-house keepers, and twenty four assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes 136,718 33
For salaries of forty-nine keepers, and six assistants, for the light houses authorized by acts of the third of March, one thousand eight hundred and fifty one, and thirty-first of August, one thousand eight hundred and fifty two 23,000 00
For salaries of forty-two keepers of light-vessels, 23,000 00
For salaries of five keepers of light-vessels, authorized by acts of the third of March, one thousand eight hundred and fifty one, and thirty-first of August, one thousand eight hundred and fifty-two 3,150 00
For seamen's wages, repairs, and supplies for forty-two light vessels 103,664 52
For seamen's wages, supplies, and incidental expenses for five light-vessels, authorized by acts of the third of March, one thousand eight hundred and fifty one, and thirty first of August, one thousand eight hundred and fifty-two, 33,004 72
For expenses of weighing, cleaning, repairing, mooring, and supplying losses of floating beacons, and buoys, chains, sinkers, &c., for light vessels 59,057 39
For expenses of weighing, cleaning, repairing, mooring, and supplying losses of two hundred and forty-five dumb beacons and buoys, and their appendages, authorized by act of the thirty-first of August, one thousand eight hundred and fifty-two 12,300 00

For expenses of coloring, numbering, &c., all of the buoys and beacons provided for by the act of the twenty-eighth of September, one thousand eight hundred and fifty 12,000 00
For life-boats and other means of rendering assistance to wrecked mariners and others on the coast of the United States 10,000 00
For expenses of visiting and reporting the condition of lights and other aids to navigation 2,000 00
For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to the act of March third, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them 8,000 00

Coasts of California and Oregon:

For oil and other supplies, cleaning materials of all kinds, transportation of supplies, keeping lamps and machinery in good repair, and the towers and buildings in a proper state of preservation, superintendence and inspection of thirteen lights, replacing, cleaning, painting, and preserving all the buoys in the waters of California and Oregon, and all incidental expenses connected with the aids to navigation on these coasts 29,035 00
For salaries of thirteen keepers and eleven assistants, at an average not exceeding six hundred dollars per annum 14,400 00

Light-Houses.

For rebuilding light-house on Chaudeleur Island, Louisiana, destroyed in August, eighteen hundred and fifty-two 15,000 00
For restoring the light-house buildings, sea-walls, &c., which were injured or destroyed during the late gales on the southern coast 25,000 00
For fitting Cape Hatteras light with first order of illuminating apparatus and lantern, and elevating the light 15,000 00
For removing the iron light-house tower at the junction of the Southwest and Northeast Passes of the Mississippi to Pass a l'Outre, and substituting a small beacon light in its stead 6,000 00

Independent Treasury.

For salaries of the Assistant Treasurers of the United States at New York, Boston, Charleston, and St. Louis 11,500 00
For additional salaries of the Treasurer of the Mint at Philadelphia, of one thousand dollars, and of the Treasurer of the Branch Mint at New Orleans, of five hundred dollars 1,500 00
For salary of the Treasurer of the Branch Mint at San Francisco 4,500 00
For salaries of ten additional clerks, authorized by the acts of August sixth, eighteen hundred and forty-six, August twelfth, eighteen hundred and forty-eight, March third, eighteen hundred and fifty-one, and thirty-first of August, eighteen hundred and fifty-two 10,800 00
For salary of chief clerk to the Assistant Treasurer at New York 1,600 00
For salary of a clerk for the Treasurer of the Branch Mint at San Francisco, California 2,500 00
For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue of sixth August, eighteen hundred and forty six 16,500 00
For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August sixth, eighteen hundred and forty-six, ... 5,000 00
For the compensation of an additional appraiser general, to be appointed by the President, by and with the advice and consent of the Senate, and to be employed on the Pacific coast 6,000 00

Survey of the Coast.

For survey of the coast of the United States, including compensation to superintendent and assistants, (and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work) 188,000 00
For continuing the survey of the western coast of the United States, (excluding the pay and emoluments of the officers of the Army and Navy, and petty officers and men of the Navy, employed on the work) 150,000 00
For continuing the survey of the Florida reefs and keys, (excluding the pay and emoluments of the officers of the Army and Navy, and petty officers and men of the Navy, employed on the work) 30,000 00
For continuing the survey of the northern and northwestern lakes, including Lake Superior, 50,000 00
For printing and distributing charts of lake surveys 1,500 00

Custom-Houses.

For continuing the construction of the custom-house at Charleston, South Carolina 100,000 00
For continuing the construction of the custom-house at New Orleans, Louisiana 394,000 00
To complete the custom-house at Bath, Maine 12,000 00
To complete the foundation of the custom house in Bangor, and to connect the same with the shore 15,000 00
For continuing the construction of the custom-house at St. Louis 115,800 00
For proceeding with the construction of the custom-house at Louisville, Kentucky 87,745 00
For the completion of the custom-house at Cincinnati 87,745 00
For the purchase of land additional to the present custom-house lot at Providence, Rhode Island, 16,000 00
For the erection of a new custom-house at said port, which shall be so constructed and arranged as to furnish a suitable room for the United States circuit and district courts, with the necessary offices for district judge, clerk, marshal, &c 34,000 00
For the construction of the custom-house at Wilmington, Delaware, in addition to the sum appropriated by the act of thirty-first August, eighteen hundred and fifty-two 3,500 00
For annual repairs and office fixtures of the custom houses of the United States 25,000 00
For the construction of a custom-house at Norfolk, Virginia 30,000 00
To equalize the salary of the collector of Chicago, and to make it equal to that of Detroit... 1,250 00
For completing and finishing the marine hospital at Napoleon, Arkansas 4,000 00
For annual repairs and office fixtures of the custom-houses of the United States 25,000 00
For the completion of the marine hospital at Evansville, Indiana 20,000 00
For the marine hospital at Natchez 4,000 00
For continuing the construction of the marine hospital at St. Louis, Missouri 20,000 00

Intercourse with Foreign Nations.

For salaries and outfits of Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, Peru, and Chili 162,000 00
For salary and outfit of a Minister to Central America, to be accredited to such one or more of the Governments included in that name as the President of the United States may designate 18,000 00
For salaries of Secretaries of Legation to the same places 20,000 00
For salary of the Minister Resident to Turkey.. 6,000 00
For salary of the Dragoman to the legation to Turkey 2,500 00
For salaries and outfits of Chargé d'Affaires or Ministers Resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, Switzerland, and Nicaragua 153,000 00
For salary of clerk to the United States legation at London 800 00
For the payment of Theodore S. Fay of the difference between the salary of a Secretary of Legation and a Chargé d'Affaires, during the time, on several different occasions, he discharged the duties of the latter office at Prussia 4,034 73
For the compensation of Edward Kent, for one quarter's salary as Chargé d'Affaires at the Legation at Rio de Janeiro, during the absence of the Minister, and under the instructions of the Department of State 1,125 00
To reimburse David Tod, late Minister of the United States at Brazil, a sum of money advanced by him to William E. Anderson, who was sent by the Minister from Rio de Janeiro to the United States in the spring of eighteen hundred and fifty-one, as a witness against two persons engaged in the slave trade 75 00
For payment of Buckingham Smith, late a Secretary of Legation in Mexico, the difference between his salary as Secretary of Legation and that of Chargé d'Affaires, from the twenty-sixth July, eighteen hundred and fifty-one, to the eighth of October following, during which period he discharged the duties of Chargé d'Affaires in Mexico, in the absence of the Minister of the United States, who had returned home on leave 1,756 95
For contingent expenses of all the missions abroad 40,000 00
For contingent expenses of foreign intercourse.. 40,000 00
For expenses of intercourse with Barbary 9,000 00
For salary of the Consul at London 2,000 00
For salary of the Commissioner to the Sandwich Islands 5,000 00
For interpreters, guards, and other expenses of the consulates of Constantinople, Smyrna, Candia, and Alexandria 9,000 00
For office rent of the Consul at Basle, in Switzerland 100 00
For salary and outfit of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte 18,000 00
For salary of the Interpreter and Secretary to said mission 2,500 00
For compensation to the consuls at the five ports in China, viz: Kwang Chow, Amoy, Fuchow, Ning Po, and Shanghai 5,000 00
For salary of the Consul General at Alexandria, 5,000 00
For the relief and protection of American seamen in foreign countries 125,000 00
For clerk hire, office rent, and other expenses of the office of the Consul of the United States at London 2,800 00
For salary of the Consul at Beirout 500 00

Public Lands.

For compensation for Secretary to sign patents for public lands 1,500 00
For salary of Recorder of land titles in Missouri.. 500 00
For salaries and commissions of registers of land offices and receivers of public moneys 141,700 00
For expenses of depositing public moneys by receivers of public moneys 25,780 00
For incidental expenses of the several land offices 37,040 00

Surveys of Public Lands.

For surveying the public lands, including incidental expenses and special surveys, demanding augmented rates, to be applied and apportioned to the several districts according to the exigencies of the public service, (the part to be applied to the resurveys required by the location and survey of private claims in Florida, to be disbursed at a rate not exceeding five dollars per mile,) in addition to the unexpended balances of former appropriations 115,000 00
For resurveys and examinations of the surveys of the public lands in those States where the offices of the surveyors general have been or shall be closed under the acts of twelfth of June, one thousand eight hundred and forty, and twenty-third of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed on this special service in the General Land Office, 15,000 00
For correcting defective and fraudulent surveys in the upper peninsula of Michigan, including the expenses of a field inspector of surveys.... 5,000 00
To defray the expenses of examining and correcting old, imperfect, and defective surveys in the northern part of the lower peninsula of Michigan 3,000 00
For the survey of township and section lines in Wisconsin, at a rate not exceeding five dollars per mile 25,000 00
For the survey of standard, correction, township, and section lines in Minnesota, in conformity with the instructions recently issued by the Commissioner of the General Land Office for similar surveys in Oregon, at a rate not exceeding five dollars per mile 45,000 00
For correcting erroneous and defective lines of public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile, including office work 2,500 00
For compensation of surveyors and other agents required in Illinois, Missouri, Florida, and Arkansas, to carry into effect the act of twenty-eighth of September, eighteen hundred and fifty, granting swamp lands 14,000 00
For detached and unfinished surveys and resurveys in Arkansas, at a rate not exceeding six dollars per mile 15,230 00
For correction of erroneous and defective surveys in Arkansas, at a rate not exceeding four dollars per mile 6,986 00
For surveying in Louisiana at augmented rates, including salary and expenses of surveyor, to locate private land claims 9,142 00
For the survey of private land claims in Florida, under the act of twenty-eighth of June, eighteen hundred and forty-eight, including the work now under contract 10,000 00
For completing certain surveys in Florida, at a rate not exceeding six dollars per mile, in consequence of the peculiar difficulties attending the execution of the same on account of swamps, lakes, marshes, &c., and for scrap work 10,000 00
For continuing the survey of the keys on the Florida coast, under the act of twenty-eighth of June, eighteen hundred and forty-eight 20,000 00
For surveying standard, parallel, township, and section lines in Oregon, at a rate not exceeding twelve dollars per mile, nearly equal to six thousand four hundred miles 76,400 00
For extending the principal meridian line in Oregon, a distance of one hundred and sixty miles, 4,000 00
For rent of Surveyor General's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, &c 2,250 00
To defray the expenses incurred of a geological reconnoissance in Oregon, undertaken in the year one thousand eight hundred and fifty-one, under instructions from the Department of the Interior, and intrusted to Doctor J. Evans 11,964 25
For completing the geological reconnoissance in Oregon 5,000 00
For rent of Surveyor General's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messengers, &c. 11,400 00
For continuing the survey of the islands on the coast of California, under act of the thirty-first of August, eighteen hundred and fifty-two 30,000 00
For surveying standard lines in California, meandering and surveying irregular and river lots, &c., amounting to two thousand miles, at a rate not exceeding fifteen dollars per mile 30,000 00
For subdividing into townships, equal to one thousand two hundred miles of surveying, at a rate not exceeding fourteen dollars per mile, in California 16,800 00
For sectioning one hundred townships, equal to six thousand miles of surveying, in California, at a rate not exceeding twelve dollars per mile, 72,000 00

Public Buildings.

For compensation of the Commissioner of Public Buildings 2,000 00
For compensation of the clerk in the office of Commissioner of Public Buildings 1,000 00
For the extension of the United States Capitol... 600,000 00
For compensation, in part, of the messenger in charge of the main furnace in the Capitol 350 00
For compensation of the laborer in charge of the water-closets in the Capitol 365 00
For compensation of the public gardener 1,200 00

For compensation of sixteen laborers employed in the public grounds and President's garden, at the rate of forty dollars per month each..... 7,680 00

To supply a deficiency for the purchase of trees and the hire of laborers on the improvements of reservation number two, or public mall, between Seventh and Twelfth streets west..... 5,276 52

For compensation of the keeper of the western gate of the Capitol square..... 730 01

For compensation of two day watchmen, employed in the Capitol square, at five hundred dollars each 1,000 00

For compensation of the doorkeeper at the President's House, at five hundred dollars, and of assistant doorkeeper at the same, at three hundred and sixty five dollars per annum..... 865 00

For compensation of two night watchmen at the President's House..... 1,000 00

For a bridge across the Potomac at Little Falls, to be expended under the direction of the President of the United States..... 30,000 00

For the purpose of bringing water into the city of Washington, upon such plans and from such places as the President of the United States may approve.....100,000 00

For compensation of two draw-keepers and a watchman at the Potomac Bridge, and for fuel and oil for lamps..... 1,800 00

For repairing the Long Bridge across the Potomac river..... 20,000 00

For compensation of two draw-keepers at the two bridges across the Eastern Branch of the Potomac, and for fuel and oil for lamps..... 1,000 00

For compensation of the Auxiliary Guard, and for fuel and oil for lamps..... 16,400 00

For the support, care, and medical treatment, in the Washington Infirmary, of twelve transient paupers, medical and surgical patients..... 2,000 00

For the purchase of manure for the public grounds..... 1,000 00

For cart hire on the public grounds..... 1,000 00

For the purchase and repair of tools upon the public grounds..... 500 00

For the purchase of trees and tree boxes to replace, when necessary, such as have been planted by the United States, and for repairs of pavements in front of the public grounds..... 2,300 00

For annual repairs of the Capitol, water-closets, public stables, water pipes, pavements, and other walks within and around the Capitol Square, painting the interior of all the committee rooms, cleaning out and paving the vaults under the crypt, extending gas-pipes through the vaults, cleaning and whitewashing the ceiling of the rotunda, replacing broken glass, locks, &c..... 6,800 00

For annual repairs of the President's House, furniture, improvement of grounds, painting and repairing roof, cleaning, painting, and whitewashing inside of the house, extending east wing of offices for carriage-house, blinds for the west front of the house, flooring large room in basement, purchasing trees and plants for garden, and for making hot-beds therein, wire fence, &c..... 6,250 00

For refurnishing the President's House, to be expended under the direction of the President, in addition to the proceeds of the sale of such of the furniture and equipage of the said house as may be decayed, out of repair, or unfit for use..... 25,000 00

For painting the exterior of the President's House below the cornice..... 1,050 00

For heating and ventilating the Executive Mansion, painting the exterior thereof, and painting the walls, ceilings, &c., of the rooms on the first floor, and making other improvements and repairs, and for the purchase of books for the President's library..... 29,500 00

For erecting lamp-posts and lamps on both sides of Pennsylvania Avenue, from Seventeenth street to Georgetown, and from the Capitol to the Navy Yard..... 3,700 00

For completing the grading and paving of the carriage way of Pennsylvania Avenue, from Seventeenth street to Rock Creek, and for setting the curb stone and paving the footway six feet wide on each side of said Avenue, in addition to the sum heretofore appropriated for that object..... 14,700 00

For inclosing with an iron fence, and otherwise improving, the triangular space on the north side of Pennsylvania Avenue, opposite the market-house, and between Seventh and Eighth streets..... 4,500 00

For a deficiency for surveying, leveling, and measuring the triangular square on the north side of Pennsylvania Avenue between Thirteenth and Fourteenth streets..... 42 00

For supplying a deficiency in the appropriation made March third, eighteen hundred and forty-nine, for completing the room under the Senate post office..... 451 31

For lighting the Capitol and President's House, the public grounds around them and around the executive offices, and Pennsylvania Avenue..... 22,000 00

Towards the erection of the west wing of the Patent Office Building.....200,000 00

For completing the repairs of the two bridges across the Eastern Branch..... 4,000 00

Miscellaneous.

For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California..... 75,000 00

For annuities and grants..... 750 00

For expenses of loans and treasury notes..... 20,000 00

For pensions to widows and orphans under the act entitled "An act to continue half-pay to certain widows and orphans," approved February third, eighteen hundred and fifty three..174,000 00

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury ... 5,000 00

To enable the Clerk of the House of Representatives to furnish, pay for, and deliver the same books to the delegates from Oregon, New Mexico, and Utah, for the Thirty-Second Congress, as per resolution of said House, passed twenty-sixth July, eighteen hundred and fifty-two.. 2,700 00

To pay to J. T. Mudd for services in the office of Commissioner of Public Buildings, from the day of the death of the late Commissioner to the appointment of the present incumbent.... 65 00

For compensation of the warden, clerk, physician, chaplain, two assistant keepers, four guards, and porter of the penitentiary of the District of Columbia..... 7,350 00

For compensation of three inspectors of said penitentiary..... 300 00

For the support and maintenance of said penitentiary..... 1,940 00

For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper..... 10,000 00

For the purchase of two hundred and fifty copies of the Statutes at Large of the United States, and of the Synoptical Index thereto, at the contract price paid by Congress, to be distributed under the direction of the Department of State, among the several consulates and commercial agents 8,750 00

For the collection of agricultural statistics and purchase of seeds, to be paid out of the patent fund..... 5,000 00

For salaries of nine supervising and fifty local inspectors, appointed under the act approved August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them..... 70,000 00

For paper required for the printing of Congress for the first session of the Thirty-Third Congress 104,064 00

For paper required for the printing of the Executive departments..... 10,300 00

For the printing of the Senate for the first session of the Thirty-Third Congress 37,463 00

For the printing of the House of Representatives for the first session of the Thirty-Third Congress..... 56,194 00

For the printing of the Executive departments, including for paper and printing the annual estimates, and for paper, printing, binding the Biennial Register, and the annual report of the Secretary of the Treasury on commerce and navigation..... 22,289 04

For compensation to the Superintendent of the Public Printing and the two clerks and messenger in his office..... 6,595 00

For blank books, advertising for proposals for paper, postage, &c..... 1,102 00

For compensation of the librarian of the Patent Office, to be paid out of the patent fund..... 1,200 00

For the purchase of books for the library of the Patent Office, to be paid out of the patent fund, 1,500 00

Mexican Boundary Commission.

For completing the survey of the Rio Grande, and for office work for one year..... 83,512 00

For arrears due Major William H. Emory's party, 20,000 00

For expenses attending Lieutenant Whipple's party from the Gila..... 6,000 00

For pay of Commissioner and Secretary, and for personal and traveling expenses of the Commissioner..... 9,500 00

For carrying into effect the provisions of the act establishing an assay office in the city of New York, in addition to the charges therein authorized to be incurred.....100,000 00

To pay James B. Smallwood and Martin La Truite, boys attending upon the mail wagons of the Senate, being twenty per cent. in addition to their pay for the year ending the thirtieth of June, one thousand eight hundred and fifty three..... 292 00

To pay the clerks of the Departments of the Treasury, War, Navy, the Interior, and the Post Office, when distributed and arranged as required by the third section of this act according to its provisions.....[Indefinite.]

The Secretary of the Treasury to purchase at the current market price any of the outstanding stocks of the United States as he may think most advisable, from any surplus funds in the Treasury.....[Indefinite.]

The President of the United States to compensate Clark Mills for the execution of the equestrian statue of Andrew Jackson, recently placed upon the public square in the city of Washington north of the Executive Mansion, and to make the same the property of the United States 20,000 00

To pay Daniel S. McCauley, the late Consul General at Alexandria, in Egypt, for office rent at the rate of four hundred dollars per annum, during the time he acted in that capacity....[Indefinite.]

For salaries of Governor and Superintendent of Indian Affairs, three judges, attorney, and marshal of Washington Territory, from the time of their appointment to the end of the fiscal year terminating June thirtieth, eighteen hundrd and fifty-four.....[Indefinite.]

For compensation and mileage of the members of the Legislative Assembly, officers, clerk, and contingent expenses of the Assembly, and to defray the expenses of taking the census of said Territory..... 20,000 00

For the contingent expenses of the Territory, including the salary of a clerk of the Executive department..... 1,500 00

$9,609,585 41

By the act making appropriations for the support of the Army, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For pay of the Army.....$1,814,759 00

For the remounting of the four companies of light artillery, authorized by the act of March third, eighteen hundred and forty-seven..... 18,560 00

For the defense of San Francisco, California....500,000 00

For continuing the defenses at the following forts, viz:

Florida.

Fort Jefferson, at Garden Keys, or Tortugas Islands.....100,000 00

Fort Taylor, Key West..... 75,000 00

Georgia.

Fort Pulaski, including barracks and quarters... 20,000 00

South Carolina.

Fort Sumpter, Charleston harbor.....110,000 00

Maryland.

Fort Carroll, Sollers's Point, Baltimore harbor. 50,000 00

Delaware.

Fort Delaware, Pea Patch Island, Delaware river.....150,000 00

Maine.

Fort Knox, Penobscot river..... 55,000 00

Massachusetts.

Fort Warren, Boston harbor..... 45,000 00

Fort Winthrop, Governor's Island, Boston..... 29,573 00

For commutation of officers' subsistence.....615,847 00

For commutation of forage for officers' horses...104,208 00

For payments in lieu of clothing for officers' servants..... 36,390 00

For expenses of recruiting..... 43,200 00

For three months' extra pay for non-commissioned officers, musicians, and privates, on re-enlistment..... 10,000 00

For subsistence in kind.....1,028,497 00

For clothing for the Army, camp and garrison equipage, and horse equipments.....352,143 86

For the regular supplies of the Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen, of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding; and of stationery, including company and other blank books for the army, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for the printing of division and department orders, army regulations, and reports.....1,050,000 00

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, storehouses, and hospitals; the construction of roads and other constant labor, for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including hire of interpreters, spies, and guides for the army; compensation of clerk to officers of the Quartermaster's Department; compensation of forage and wagon-masters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron, hire and veterinary surgeons, and medicine for horses and mules.....300,000 00

For constructing, repairing, and enlarging barracks, quarters, hospitals, storehouses, stables, wharves, and ways, at the several posts and army depôts; for temporary cantonments, and the authorized furniture for barrack rooms of non commissioned officers and soldiers; gunhouses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for rent of quarters and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation; for storehouses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments.....300,000 00

For erecting barracks and quarters at the Republican fork of the Kansas river..... 65,000 00

For erecting barracks and quarters for a military post on Minnesota river..... 40,000 00

For mileage or allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops.....120,000 00

For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage, and horse equipments, from the depôt at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and army depôts; freights, tolls, and ferriage; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance.....1,500,000 00

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted.....180,000 00

For the medical and hospital departments..... 59,000 00

For cannon, gun-carriages, and projectiles for sea-coast defense.....200,000 00

For ordnance, ordnance stores, and supplies....100,000 00

For the current expense of the ordnance service, 100,000 00

For the manufacture of arms at the national armories.....250,000 00

To make good damages at Harper's Ferry, caused by the flood of nineteenth and twentieth of April, eighteen hundred and fifty two..... 20,000 00

For repairs and improvements and new machinery at Harper's Ferry..... 43,500 00

For repairs and improvements and new machinery at Springfield Armory..... .... 46,094 00

For arsenals..... 41,071 00

For arrearages prior to July first, eighteen hundred and fifteen, payable through the office of the Third Auditor, under an act approved May first, eighteen hundred and twenty, in addition to an unexpended balance of seven thousand four hundred and twenty six dollars remaining in the Treasury on the thirtieth of September, one thousand eight hundred and fifty two..... 3,500 00

For arrearages of pay, subsistence and clothing due to Captain Richard McRae's company of Virginia volunteers, which served in the war with Great Britain in eighteen hundred and twelve and thirteen..... ..... 10,334 31

For bridges, and establishing communications between Fort Leavenworth and the Republican fork of the Kansas river..... 11,725 00

For fuel and quarters for officers of the army serving on light house duty, the pavment of which is no longer made by the Quartermaster's Department..... 4,053 87

For fuel and quarters, and for mileage or transportation for officers and enlisted men of the army serving on the coast survey in cases no longer provided for by the Quartermaster's Department..... ..... 10,000 00

For the discharge of claims for preventing and suppressing Indian hostilities in Florida....[Indefinite.]

To extend the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-one," approved September twenty-eight, eighteen hundred and fifty, granting extra pay to the officers and enlisted men of the Army serving in Oregon and California, to the officers and men of the two companies of regiment of mounted riflemen that garrisoned the post of Fort Laramie, Oregon route, during the time they occupied said post.....[Indefinite.]

To pay to Richard B. Lee, late commissary of the Pacific division of the army, the sum of eleven hundred and seventy five dollars, with interest from the ninth of June, eighteen hundred and fifty, being for money lost in being transported from Honolulu to San Francisco, under his charge, and for which he has accounted to the Department, and which sum includes the expenses incurred in efforts to recover the same..... 1,367 70

To make such explorations and surveys as may be deemed advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean.....150,000 00

For the purpose of enabling the commissioners of the Military Asylum to purchase a suitable site with the view of establishing thereat a Western Military Asylum, in addition to the sum in the hands of the commissioners..... 10,000 00

$9,767,413 44

By the act making appropriations for the Naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For pay of commission, warrant, and petty officers, and seamen, including the Engineer Corps of the Navy.....$2,880,148 00

To pay to the officers, petty officers, and seamen of the United States Navy, to the officers, non-commissioned officers, musicians, and privates of the Marine Corps, and to the officers and men of the Revenue service who served in the Pacific ocean, on the coast of California and Mexico, during the late war with Mexico, and since the conclusion of the war up to the twenty-eighth of September, eighteen hundred and fifty, the same additional compensation as has been by law directed to be paid to the officers and soldiers of the Army who served in California.[Indefinite.]

To allow to Lieutenant William Lewis Herndon and Lardner Gibbon, officers of the United States Navy, who were engaged upon the exploration of the Amazon, the same pay as has been allowed to the Superintendent of the Naval Astronomical Expedition in Chili, by the act making appropriations for the naval service, approved March third, eighteen hundred and fifty-one, during the period of their service as aforesaid, which period shall be reckoned from the date on which each officer left the United States until the final return of the exploring party.....[Indefinite.]

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations.....108,650 00

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service,686,200 00

For the completion of a scientific investigation and experiments upon the character of alimentary substances, used as subsistence in the Navy, and means to prevent their deterioration..... 5,000 00

For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the Marine Corps..... 37,300 00

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp..... 1,941,450 00

For ordnance and ordnance stores, and small arms, including incidental expenses.....200,000 00

For preparing for publication the American Nautical Almanac..... 19,000 00

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments... 11,000 00

For the purchase of nautical books, maps, and charts, and for backing and binding the same.. 12,500 00

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations..... 5,500 00

For models, drawing, and copying, postage, stationery, freight, and transportation; for pay of lithographer, and for working lithographic press, including chemicals; for keeping grounds and buildings in order; for fuel and lights; for repairs of buildings, and for all other contingent expenses of the Hydrographical Office and United States Observatory.... 7,240 00

For continuing the publication of the Wind and Current Charts, and for defraying all the expenses connected therewith..... 10,000 00

For pipes for carrying gas to, and fixtures for lighting with it, the National Observatory..... 2,500 00

For the wages of persons employed at the Observatory and Hydrographical Office, viz: one lithographer, one instrument maker, two watchmen, and one porter..... 3,160 00

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of, and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of the United States Navy in foreign ports.....527,840 00

For improvement and repair of buildings and grounds, and support of the Naval Academy at Annapolis, Maryland..... 46,059 00

For purchase of land, extending walls, making new roads and wharf, building and furnishing hospital, and changing the fronts of houses, at the Naval Academy at Annapolis, Maryland.. 38,000 00

For meterological observations, to be conducted under the directions of the Secretary of the Navy..... 2,000 00

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.

For cooper's shop and watchman's quarters, dredging in front, and pointing and puddling stone basin, boiler-room, boilers, engine and machinery, reservoir for engine house, pipes, gutters, drains, and cisterns, grading yard near timber shed, and for repairs of all kinds, including care of floating dock..... 53,107 00

Boston, Massachusetts.

For rebuilding smithery, cooperage, and packing-house, coal-house, for rope-walk, engines, stone wall west of timber-dock, rebuilding battery, grading and paving timber shed number thirty-one, and for repairs of all kinds..... 81,460 00

New York, New York.

For completing commander's house, smithery, timber shed; lime, pitch, and coal house; continuing quay wall, muster office, cob wharf; dredging channel and piers; completing engine-house, culvert, and removing piles in front of dock; filling in timber-pond and low places; paving gutters and flagging, and for repairs of all kinds.....949,320 00

Philadelphia, Pennsylvania.

For extending wharf number four, and dredging, completing, paving, and for repairs of all kinds, including floating dock..... 23,925 00

Washington, District of Columbia.

For filling in timber-dock, (completion of,) extending boiler-shop, converting old ordnance-shop into machine-shop, steam-engine and other machinery for ordnance works, ordnance foundery for casting brass guns, railway from anchor and boiler-shop to wharves, quay-wall south front of yard, and for repairs of all kinds.....162,512 00

Norfolk, Virginia.

For extending quay-wharves, completing timber dock, machinery for engine, machine and armorers' shop, dredging, filling in low grounds, grading, completing magazine and keeper's house, Fort Norfolk, hauling up slips and mud scows, and for repairs of all kinds.....114,600 00

Pensacola, Florida.

For permanent wharf, paint-shops, and cooperage, construction of deep basin and dredging, rebuilding central wharf, and wharves J and C, smoke-stack, and extending machine-shops, mooring anchors, cables, and fixtures for mobring and operating floating dock, and for repairs of all kinds.....225,800 00

Memphis, Tennessee.

For completing hemp-house, completing blacksmith-shop and office building, cisterns for rope-walk, culvert from rope-walk to river, and for repairs of all kinds..... 43,976 00

For completion of railing for vertical wall..... 800 00

For the purchase of iron railing for the rope-laying machinery of the rope-walk..... 4,000 00

San Francisco, California.

For blacksmith-shop, carpenter's shop, storehouse, and wharf.....100,000 00

To complete and carry into execution the verbal contract for a basin and railway in California, in connection with the floating dock, as made by the late Secretary of the Navy in pursuance of authority for that purpose, given by the act of September the twenty-eighth, one thousand eight hundred and fifty, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-one," and as stated in the letter of the said late Secretary, addressed to the Hon. Howell Cobb, Speaker of the House of Representatives, and dated the twenty-first day of January, one thousand eight hundred and fifty-one.....150,000 00

FOR HOSPITALS.—*At Boston.*

For repairs of all kinds 600 00

At New York.

For repairs of all kinds..... 300 00

At Philadelphia Naval Asylum.

For tinning roof of asylum, laying water-pipes, furnaces, grates and ranges, pavements and gutters..... 5,000 00

For repairs of all kinds..... 1,000 00

At Norfolk.

For wall to inclose a grave-yard, including excavation..... 6,168 93

For the purchase of land, to be used as a road communicating with the Navy hospital grounds at Norfolk, Virginia..... 2,500 00
For repairs of all kinds..... 2,500 00

At Pensacola.

For wall around hospital grounds..... 22,500 00
For draining and filling ponds..... 2,650 00
For repairs of all kinds..... 11,175 00

FOR MAGAZINES.—*At Boston, Massachusetts.*

For beds to stow shot, for arrangements for bouching, filling, and unloading shells, and for repairs of all kinds..... 2,800 00

At New York.

For fitting storerooms, work-shops, and machinery for ordnance purposes, for gun-skids, graveling ordnance grounds, and for repairs of all kinds..... 4,285 00

At Washington.

For foundations for stowing shot, and protection of shells, for powder magazine, new floor, and for repairs of all kinds..... 4,700 00

At Norfolk.

For foundations of guns and shells, for machinery, for bouching shells, and preparing filling, and tank-houses, and for repairs of all kinds.. 4,500 00

At Pensacola.

For preparing platform for saluting battery, and for repairs of all kinds..... 950 00

Marine Corps.

For pay of officers, non-commissioned officers, privates, musicians, clerks, messengers, stewards, and servants serving on shore; for rations and clothing for servants, subsistence for officers, and pay for undrawn clothing and rations, bounties for reënlistments, and pay for unexpired terms of previous service..... 223,530 44
For provisions for marines serving on shore.... 29,984 75
For clothing..... 52,064 00
For fuel..... 14,194 50
For military stores, repair of arms, pay of armorers, accouterments, ordnance stores, flags, drums, fifes, and musical instruments..... 8,000 00
For transportation of officers and troops, and expenses of recruiting..... 12,000 00
For repairs of barracks and rent of temporary barracks, and offices, where there are no public buildings for that purpose..... 6,000 00
For contingencies, viz: freight, tonnage, toll, cartage, warfage, compensation to judges advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house-rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, apprehension of deserters, oil, candles, forage, straw, furniture, bed sacks, spades, axes, picks, shovels, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter, at the hospital headquarters..... 25,000 00
For the purpose of paying the lien existing on the lands recently purchased as an addition to the navy-yard at Brooklyn..... 12,247 05
For the service of continuing the survey of the coast of the Gulf of Mexico from Appalachicola bay to the Mississippi river, by the act of March third, eighteen hundred and forty-one, and which has been carried to the credit of the surplus fund, be, and is hereby, reappropriated to pay for the services of the officer or officers employed in that survey..... 1,164 10

$8,209,260 77

By the act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For transportation of the mails.....$5,029,000 00
For compensation to postmasters.....2,036,000 00
For ship, steamboat, and way-letters..... 30,000 00
For wrapping paper..... 52,000 00
For office furniture in the offices of postmasters.. 8,000 00
For advertising..... 76,500 00
For mail bags..... 51,000 00
For blanks..... 55,000 00
For mail locks, keys, and stamps..... 20,000 00
For mail depredations and special agents..... 50,000 00
For clerks in the offices of postmasters.....536,000 00
For miscellaneous items.....130,000 00
For postage stamps and stamped envelopes..... 55,000 00
To supply any deficiency that may arise in the revenues of the Post Office Department, to meet the foregoing appropriations for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.....1,800,000 00

$9,928,500 00

By the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-four.

For the current and contingent expenses of the Indian Department, viz:
For the pay of Superintendents of Indian Affairs, per acts of fifth June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, and third March, eighteen hundred and fifty-two.....$12,500 00
For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, and twenty seventh February, eighteen hundred and fifty-one..... 42,750 00
For the pay of Interpreters, per acts of the thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty-one..... 28,000 00
For the pay of clerk to Superintendent at St. Louis, Missouri, per act of twenty seventh June, eighteen hundred and forty-six..... 1,200 00
For the pay of clerk to Superintendent at Van Buren, Arkansas, per act of twenty-seventh June, eighteen hundred and forty-six..... 1,000 00
For the pay of clerk to Superintendent in California, per act of third March, eighteen hundred and fifty-two..... 2,500 00
For office rent, fuel, lights, and stationery, for the Superintendent of Indian Affairs in Oregon..... 2,400 00
For traveling expenses of Superintendent of Indian Affairs in Oregon and agents therein..... 2,000 00
For general incidental expenses of the Indian service in the State of California..... 30,000 00
For general incidental expenses of the Indian service in the Territory of New Mexico..... 10,000 00
For general incidental expenses of the Indian service in the Territory of Utah..... 10,000 00
For expenses already incurred, and that may hereafter be necessary, for vaccination of Indians..... 5,000 00
For presents to Indians..... 5,000 00
For provisions for Indians..... 11,800 00
For repairs of buildings at agencies..... 2,000 00
For contingencies of the Indian Department.... 36,500 00
For deficiencies in the fund for the contingencies of the Indian Department..... 15,000 00

To the Christian Indians.

For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six..... 400 00

To the Chippewas of Saganaw.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 1,000 00
For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven..... 800 00
For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen..... 1,000 00
For permanent provision for the support of blacksmiths, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty-seven..... 2,000 00
For education, during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six..... 1,000 00

Chippewas, Menomonies, Winnebagoes, and New York Indians.

For education, during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven..... 1,500 00

Choctaws.

For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five..... 3,000 00
For permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty..... 600 00
For permanent annuity for education, stipulated in the second article of the treaty of twentieth of January, eighteen hundred and twenty-five, 6,000 00
For permanent provision for blacksmith, stipulated in the sixth article of the treaty of the eighteenth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five..... 600 00
For iron and steel, &c., for shop, stipulated in the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five... 320 00

Chickasaws.

For permanent annuity, stipulated in the act of the twenty-fifth of February, seventeen hundred and ninety-nine..... 3,000 00

Chippewas of Lake Superior and the Mississippi.

For seventeenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven..... 9,500 00
For seventeenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven..... 19,000 00
For seventeenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipulated in the second article of the treaty of twenty-ninth of July, eighteen hundred and thirty-seven..... 3,000 00
For seventeenth of twenty installments for the support of farmers, purchase of implements, grain or seed, and to carry on their agricultural pursuits, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and thirty-seven..... 1,000 00
For seventeenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven..... 2,000 00
For seventeenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of twenty ninth July, eighteen hundred and thirty seven..... 500 00
For twelfth of twenty-five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two..... 12,500 00
For twelfth of twenty-five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two..... 10,500 00
For twelfth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two..... 2,000 00
For twelfth of twenty-five installments, for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two..... 1,000 00
For twelfth of twenty-five installments for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two..... 1,200 00
For twelfth of twenty five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty two..... 2,000 00
For twelfth of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two... 2,000 00

Creeks.

For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety..... 1,500 00
For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two..... 3,000 00
For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty six ... 20,000 00
For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty fourth of January, eighteen hundred and twenty-six..... 840 00
For iron, steel, &c., for shops, stipulated in the eighth article of the treaty of the twenty fourth of January, eighteen hundred and twenty-six, 270 00
For seventeenth of twenty installments for the pay of two blacksmiths and assistants, stipulated in the thirtieth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two..... 1,680 00
For iron, steel, &c., stipulated in the thirtieth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two..... 540 00
For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six..... 600 00
For twenty-third of thirty-three installments for education, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, one thousand eight hundred and thirty-two, and fourth article of the treaty of the fourth of January, eighteen hundred and forty five 3,000 00
For interest on three hundred and fifty thousand dollars, at five per centum, stipulated in the third article of the treaty of the twenty-third of November, eighteen hundred and thirty-eight..... 17,500 00
For tenth of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five..... 3,000 00
For blacksmith and assistant during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three..... 840 00
For iron, steel, and coal, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three 270 00
For wagon-maker, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three 600 00
For agricultural implements, during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six..... 2,000 00
For education, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three 1,000 00

Delawares.

For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five..... 1,000 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine 500 00

For permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen..... 4,000 00

For permanent annuity, stipulated in the supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine..... 1,000 00

For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen 200 00

For life annuity to chiefs, stipulated in the supplemental article of the treaty of the twenty-sixth of October, eighteen hundred and thirty-two..... 100 00

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three 100 00

For permanent provision for blacksmith and assistant, stipulated in the sixth article of the treaty of third of October, eighteen hundred and eighteen..... 720 00

For iron, steel, &c., for shop, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen 220 0

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight..... 2,304 00

Florida Indians, or Seminoles.

For the removal and subsistence of Seminoles now in Florida.....200,000 00

For tenth of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five 2,000 00

For tenth of fifteen installments in money, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five 3,000 00

Iowas.

For interest on one hundred and fifty-seven thousand five hundred dollars, at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight 7,875 00

Kansas.

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six 10,000 00

Miamies.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six..... 25,000 00

For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen..... 720 00

For iron, steel, &c., stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen 220 00

For permanent provision for the purchase of one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six..... 770 00

For permanent provision for pay of miller in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, and the fifth article of the treaty of the twenty fourth of October, eighteen hundred and thirty-four..... 600 00

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen..... 320 00

For education and support of poor during the pleasure of Congress, stipulated in the sixth article of the treaty of the twenty third of October, eighteen hundred and twenty six.... 2,000 00

For thirteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty 12,500 00

For permanent provision for payment in lieu of laborers, stipulated in the sixth article of the treaty of the twenty-eighth of November, eighteen hundred and forty..... 250 00

For permanent provision for agricultural assistance, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen..... 200 00

Eel Rivers:

Miamies.

For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five..... 500 00

For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five..... 250 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine..... 350 00

Menomonies.

For eighteenth of twenty installments as annuity, stipulated in the second article of the treaty of third of September, eighteen hundred and thirty-six..... 20,000 00

For eighteenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 1,440 00

For eighteenth of twenty installments for iron, steel, &c., for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 440 00

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 3,000 00

For eighteenth of twenty installments for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of third of September, eighteen hundred and thirty-six..... 400 00

For eighteenth of twenty installments for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 500 00

For eighteenth of twenty installments for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 150 00

For second of fifteen installments for pay of miller, stipulated in the fourth article of the treaty of the eighteenth of October, eighteen hundred and forty-eight..... 600 00

Omahas.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty 720 00

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty 220 00

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 500 00

Ottoes and Missourias.

For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty three..... 500 00

For pay of farmer, during the pleasure of the President, stipulated in the fifth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three..... 600 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty 720 00

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 220 00

Ottowas.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 1,000 00

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven..... 800 00

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen..... 1,500 00

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one.... 1,000 00

Ottawas and Chippewas.

For nineteenth of twenty installments, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six..... 30,000 00

For interest to be paid as annuity, on two hundred thousand dollars at six per cent. per annum, stipulated in the resolution of the Senate of the twenty-seventh of May, eighteen hundred and thirty-six..... 12,000 00

For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of twenty-eighth of March, eighteen hundred and thirty-six 5,000 00

For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 3,000 00

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservation, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six 300 00

For nineteenth of twenty installments for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth March, eighteen hundred and thirty six..... 2,000 00

For nineteenth of twenty installments for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty eighth of March, eighteen hundred and thirty-six 800 00

For nineteenth of twenty installments for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 200 00

For nineteenth of twenty installments for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 400 00

For three blacksmiths and assistants for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty six..... 2,160 00

For iron, steel, &c., for shops, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 660 00

For gunsmith at Mackinac for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 600 00

For iron, steel, &c., for shop, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 220 00

For two farmers and assistant, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty eighth of March, eighteen hundred and thirty-six..... 1,600 00

For two mechanics, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six 1,200 00

Osages.

For sixteenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty nine..... 20,000 00

For sixteenth of twenty installments for two smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty nine..... 2,000 00

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the valuation of fifty four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight..... 3,456 00

Piankeshaws.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 500 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five..... 200 00

Pawnees.

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three..... 1,000 00

Pottawatomies of Huron.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven..... 400 00

Pottawatomies.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety five..... 1,000 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine..... 500 00

For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen..... 2,500 00

For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight... 2,000 00

For life annuity to chiefs, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 100 00

For permanent annuity, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and twenty-nine..... 16,000 00

For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty two..... 400 00

For nineteenth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three..... 14,000 00

For life annuity to chiefs, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three.... 700 00

For nineteenth of twenty installments as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty three..... 2,000 00

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three..... 140 00

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six.... 320 00

For education during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty six 2,000 00

For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty six 720 00

For permanent provision for iron, steel &c., for shop, stipulated in the second article of the treaty of the sixteenth of October, eighteen hundred and twenty-six 220 00

For education during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty eight 1,000 00

For permanent provision for the payment in money, in lieu of two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six 300 00

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight 720 00

For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight 220 00

For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty ninth of July, eighteen hundred and twenty-nine 250 00

For education during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty seventh of October, eighteen hundred and thirty two 2,000 00

For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six 32,150 00

To supply a deficiency in the appropriation of September thirtieth, eighteen hundred and fifty, for the payment of the balance of the awards of General William B. Mitchell, commissioner under the treaty of Chicago of the twenty-sixth of September, eighteen hundred and thirty-three, with the Pottawatomies, reported by him to the Secretary of War on the twenty-eighth day of January, eighteen hundred and forty-one, as adjudicated and approved by the said Secretary in his decision of March the third, eighteen hundred and forty-one 4,200 00

Quapaws.

For education during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three 1,000 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty three 840 00

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty three 220 00

For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty three 600 00

Six Nations of New York.

For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four 4,500 00

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of the nineteenth of February, eighteen hundred and thirty-one 6,000 00

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty seventh of June, eighteen hundred and forty-six 3,750 00

Stockbridges.

For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty fourth of November, eighteen hundred and forty-eight, 825 00

For the reappropriation of this amount, being a part of the sum carried to the surplus fund per warrant number thirteen, dated the thirtieth of June, eighteen hundred and forty-six, for payment of claims (of that portion of the Stockbridge and Munsee tribe of Indians who emigrated West) under the sixth article of the treaty of September third, eighteen hundred and thirty-nine 702 00

Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven 15,000 00

For seventeenth of twenty installments as annuity in goods, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty seven 10,000 00

For seventeenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers physicians, and blacksmiths, &c., stipulated in the second article of the treaty of the twenty ninth of September, eighteen hundred and thirty-seven 8,250 00

For seventeenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, 5,500 00

For second of fifty installments of interest, at the rate of five per centum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the twenty-third of July, one thousand eight hundred and fifty-one 68,000 00

For second of fifty installments of interest, at the rate of five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article per Senate's amendment to treaty of the twenty third July, one thousand eight hundred and fifty-one 5,600 00

For second of fifty installments of interest, at the rate of five per centum, on one million one hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of fifth of August, one thousand eight hundred and fifty-one 58,000 00

For second of fifty installments of interest, at the rate of five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty of fifth of August, one thousand eight hundred and fifty-one 3,450 00

Sacs and Foxes of Missouri.

For interest on one hundred and fifty thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty 7,870 00

Sacs and Foxes of Mississippi.

For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four 1,000 00

For twenty-second of thirty installments, as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty two 20,000 00

For twenty-second of thirty installments for gunsmith, stipulated in fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two 600 00

For twenty-second of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two 220 00

For twenty-second of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty first of September, eighteen hundred and thirty-two .. 840 00

For twenty-second of thirty installments for iron, steel, &c., stipulated in the fourth article of the treaty of the twenty-first September, eighteen hundred and thirty-two 220 00

For twenty-second of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two 200 00

For twenty-second of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of twenty-first of September, eighteen hundred and thirty two 800 00

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven 10,000 00

For interest on eight hundred thousand dollars at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two 40,000 00

Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five 1,000 00

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September eighteen hundred and seventeen 2,000 00

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three .. 60 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one 840 00

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one 220 00

For the payment in full of all claim under that part of the treaty of eighteen hundred and thirty-one which has relation to the grant of one hundred thousand acres of land, in fee-simple, to the then Ohio Shawnees 66,946 93

Senecas and Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen 1,000 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one 840 00

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one 220 00

Senecas.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen 500 00

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen 500 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one 840 00

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one 220 00

For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty eighth of February, eighteen hundred and thirty-one 600 00

Wyandotts.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventh of March, eighteen hundred and forty-two 17,500 00

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty two 840 00

For permanent provision for iron, steel, &c., for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two 370 00

For permanent provision for education, stipulated in the fourth article of the treaty of the seventeenth of March, eighteen hundred and forty-two 500 00

Weas.

For permanent annuity, stipulated in the fifth article of the treaty of the second of October, eighteen hundred and eighteen 3,000 00

Winnebagoes.

For twenty-fifth of thirty installments as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine 18,000 00

For twenty-second of twenty-seven installments as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two 10,000 00

For twenty-fifth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine ... 250 00

For twenty-fifth of thirty installments, for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine 600 00

For twenty-second of twenty seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two 300 00

For twenty-fifth of thirty installments, for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine 2,160 00

For twenty-fifth of thirty installments, for iron, steel, &c., for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty nine 660 00

For twenty fifth of thirty installments, for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine 365 00

For twenty-second of twenty-seven installments, for education, stipulated in the fourth article of the treaty of the fifteenth September, eighteen hundred and thirty two 3,000 00

For twenty-second of twenty-seven installments, for six agriculturists, purchase of oxen, plows, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two 2,500 00

For twenty-second of twenty-seven installments, for pay of two physicians, stipulated in the treaty of the fifteenth of September, eighteen hundred and thirty two 400 00

For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven 55,000 00

For interest on eighty-five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six 4,250 00

Texas Indians.

For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents 30,000 00

Miscellaneous.

For payment of the third of ten installments in provisions, merchandise, etc., and the transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie, of seventeenth of September, one thousand eight hundred and fifty-one 60,000 00

For continuing the collection and for publishing the statistics and other information authorized by the act of third March, eighteen hundred and forty-seven, and subsequent acts 17,620 50

For the payment of the accounts of Governor John P. Gaines and Courtney M. Walker, for expenses incurred by them in quelling the difficulties with the Rogue River Indians of Oregon, in the year eighteen hundred and fifty-one, 4,979 00

To enable the Department to procure the medals of the next President of the United States for presentation to chiefs and headmen of the Indian tribes 2,500 00

To enable the President of the United States to make five military reservations from the public domain in the State of California, or the Territories of Utah and New Mexico bordering on said State, for Indian purposes, and to defray the expense of subsisting the Indians in California, and removing them to said reservations for protection 250,000 00

To enable the President of the United States to enter into negotiation with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes, in whole or in part to said lands 50,000 00

$1,728,822 73

By the act making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four.

For transportation of the mails from New York to Liverpool and back $858,000 00

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back 290,000 00

For transportation of the mails from Panama to California and Oregon, and back 348,250 00

For carrying out the contract entered into by the Post Office Department under the law passed at the last session of Congress, establishing a tri-monthly mail by steam-vessels between New Orleans and Vera Cruz, via Tampico... 70,000 00

For transportation of the mails in two steamships from New York, by Southampton, to Bremen and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York 350,000 00

For transportation of the mails between Charleston and Havana, under the contract with M. C. Mordecai 50,000 00

For transportation of the mails across the Isthmus of Panama 120,000 00

$2,036,250 00

By the act making appropriations for light-houses, light-boats, bueys, &c., and providing for the erection and establishment of the same, and for other purposes.

Maine.

For buoys, beacons, and spindles, to be placed at the channels of Musceongus Bay, and at other important points in the waters of said State, in addition to the sum appropriated by the act of August thirty-first, eighteen hundred and fifty-two $3,800 00

Massachusetts.

For buoys to mark the channel of Taunton river 500 00

For a beacon on "Deep-hole Rock," in Vineyard Sound 600 00

For the erection of a light-house and keeper's house on or near the breakwater at Bass river 4,000 00

Towards the erection of a light-house on the rocks called the "Sow and Pigs," near the entrance of Buzzard's Bay, to take the place of the light-vessel now stationed there 30,000 00

For a light-vessel to be moored off Minot's Ledge, in addition to the sum appropriated at the last session of Congress 6,600 00

Rhode Island.

For buoys to be placed on the following points: "Old Newton," "The Sisters," "Brig Ledge," (Narragansett Bay,) "Sandy Point," (Block Island,) and "Taursett Point," near Wickford 500 00

For erecting a beacon-light at "Seine Rock," Newport harbor 1,000 00

Connecticut.

For buoys in New Haven harbor 200 00

For buoy on Penfield Reef 150 00

For beacon on Race Rock, Long Island Sound .. 7,000 00

For the erection of one or more beacon-lights below Middletown, on the Connecticut river, and for the erection of buoys and spindles, 2,000 00

For the erection of a fog-bell or whistle, as the Light-House Board shall determine, on Pine Island, in Fisher's Island Sound 1,000 00

For a small light on or near Carlton Head, and for repairing or rebuilding Tibbit's Point light-house 5,000 00

For a fog-bell or whistle, to be worked by machinery, to be placed on the south pier, near the light-house at Buffalo 2,500 00

For a new light-vessel to take the place of that now moored off Sandy Hook, in addition to the sum appropriated at the last session of Congress 2,000 00

New Jersey.

For buoys to be placed on Absecum Bar and in the inlet, (a harbor of refuge) 800 00

Delaware.

For beacons and buoys for Delaware Bay, to complete the necessary beaconage and buoyage in the lower part of the river and bay 5,000 00

Michigan.

For a light-house on Point Betsey, Lake Michigan 5,000 00

For a light-house at Grand Island Harbor, Lake Superior 5,000 00

For a light-house at Rock Harbor, Isle Royal, Lake Superior 5,000 00

For a fog-bell, to be worked by machinery, for Thunder Bay Island light-house, Lake Huron, 2,500 00

For erecting a light house at the mouth of Portage river 5,000 00

For the erection of a light-house at Point Iroquois, or on the island off Point Auxchens, as the Light-House Board shall determine 5,000 00

For making the foundations of two light-houses, one to be a beacon light on Saint Clair Flats .. 10,000 00

Ohio.

For a beacon of solid masonry, to be placed on a reef lying in the track of vessels at the west end of Lake Erie, near the south shore, off Bois Blanc and near Touissant River 3,000 00

Virginia.

For a first-class buoy to be placed on the "Upper Middle" in Chesapeake Bay, and buoys for "Sand Shoal" and "Hog Island Inlet," Atlantic coast 800 00

For buoys to be placed in the Potomac River, as follows: lower end "Jones's Point," Occoquon Flats," off "Marlow's Creek," lower part of "Wade's Bay," "Jenifer's Quarter," "Matthias Point," and "Dent's Shoal" 560 00

For a small light at "Stingery Point," Rappahannock 950 00

For a beacon at Naylor's Hole, Rappahannock River 150 00

For twelve buoys for Rappahannock River 600 00

South Carolina.

For six large iron buoys for Charleston bar and channels 3,000 00

For a large bell-buoy for the entrance over Charleston Bar 5,000 00

For a buoy to be placed on Middle Ground Shoal, Charleston Harbor 500 00

For a light-vessel to be placed on Rattlesnake Shoal 20,000 00

For rebuilding beacon on Morris Island, Charleston Harbor 3,000 00

For changing the present light-house at Cape Romain into a first-class sea-coast light, by elevating, improving, and refitting the same with the most approved illuminating apparatus 20,000 00

Florida.

For an iron pile light-house, to take the place of the light-vessel stationed near Key West 12,000 00

For making permanent the signals placed by the Coast Survey along the Florida reef 10,000 00

For the erection of a first-class light-house, and fitting the same with a first-order illuminating apparatus, near Jupiter Inlet 35,000 00

Alabama.

For a beacon to mark a shoal in Mobile Bay channel, caused by a wreck 500 00

Louisiana.

For largest class iron buoys, to mark the approaches to the principal passes at the mouth of the Mississippi River 3,000 00

Towards the erection of a first-class light-house, as a substitute for the light-vessel at "Ship Shoal," to be located at "Ship Shoal," or Raccoon Point, as may be determined by the Secretary of the Treasury 20,000 00

Texas.

For third-class iron buoys, to be placed at "Brazos Santiago Bar," mouth of "Grand River Bar," and the entrance to Matagorda Bay 2,000 00

For a first-class light-house at the mouth of the Sabine River 30,000 00

California.

For a buoy to mark Commission Ledge, in Mare Island Straits 500 00

For a buoy to mark "Middle Ground," in Suisun Bay 500 00

For largest class buoy to mark entrance to bar at San Francisco 800 00

For buoys to mark the channel of the Sacramento River 2,000 00

For buoys for Humboldt Harbor 500 00

For buoys for Umpqua 500 00

For a second class light house at Point Bonets, San Francisco Bay 25,000 00

For the erection of a light-house in San Pedro Bay 10,000 00

Oregon.

For additional buoys at Columbia River 1,500 00

To test the adaptation of Jabez Stone's patent buoy as a guide to river and other narrow channels 250 00

To enable the Light-House Board to procure the necessary machinery and test practically the plan for distinguishing lights by occultations, submitted by Charles Babbage, Esq., and which was communicated to Congress at its last session 5,000 00

To enable the Secretary of the Treasury, if in his opinion the safety of commerce demanded a light at Minot's Ledge, at the entrance of Boston harbor, to replace that which was destroyed, to examine into and allow the claims of R. B. Forbes and others, who kept a light-boat there at their private expense ..... [Indefinite.]

$325,660 00

By the act making an appropriation for the completion of the public buildings in the Territory of Minnesota.

For the continuation of the public buildings in the Territory of Minnesota, one half of said sum to be applied to the completion of the capitol at St. Paul, and the remainder to the completion of the prison buildings at Stillwater, in said Territory $25,000 00

By the resolution for the relief of the Spanish Consul and other subjects of Spain residing at New Orleans, and of subjects of Spain residing at Key West, by indemnity for losses occasioned in the year eighteen hundred and fifty-one.

To pay any losses that may have been sustained by the Consul of Spain and other persons residing at New Orleans, or at Key West, in the year eighteen hundred and fifty-one, and who, at that time, were subjects of the Queen of Spain, by the violence of individuals arising out of intelligence, then recently received at those places, of the execution of certain persons at Havana, in Cuba, by the Spanish authorities of that island, and that such losses, so ascertained, to persons at that time subjects as aforesaid, on the certificate of the Secretary of State that the same are proven to the satisfaction of the President, together with the reasonable costs of the investigation ..... [Indefinite.]

By the act for the relief of William Speiden.

To allow to William Speiden two and a half per centum upon the amount of military contributions received by him while acting as purser to the United States frigate Congress, and paymaster and commissary to the land forces on the coast of the Pacific, during the Mexican war ..... [Indefinite.]

By the act for the relief of Mrs. E. A. McNeil, widow of the late General John McNeil.

For arrears of pension claimed by her late husband, at the rate of thirty dollars a month, commencing on the twenty-fifth day of July, anno Domini eighteen hundred and thirteen, being the day on which he was wounded at the battle of Bridgewater, and ending on the thirtieth day of April, anno Domini eighteen hundred and thirty, being the day on which he resigned his commission in the Army $6,035 00

By the act for the relief of Philo Smith.

For the amount due him as an ordinary seaman on board the Macedonian, as his share of the amount awarded to the captors of certain Algerine vessels under Commodore Decatur $19 96

By the act for the relief of John J. Sykes.

For clerk hire, office rent, and salary as special agent for the Post Office Department in California $1,998 33

By the act for the relief of Jacob J. Storer.

The amount of pay and rations to which a purser of the Navy would have been entitled while performing the same duties $1,361 89

By the act for the relief of the widow and orphan children of Colonel William R. McKee, late of Lexington, Kentucky.

For a horse killed in battle, and for other property lost in Mexico, and particularly in consequence

of said Colonel McKee being killed in the battle of Buena Vista, on the twenty-third day of February eighteen hundred and forty-seven..... $1,200 00

By the act for the relief of Charles S. Mathews, Charles Wood, and James Hall.

For full satisfaction and discharge of all claims which they or either of them have upon the United States, for or on account of all damages sustained by them growing out of their contract to furnish marble for the basement of the custom-house lately built in the city of New York, $12,119 47

By the act for the relief of Abigail Stafford.

For supplies furnished the Army in the revolutionary war, and services rendered by her father, Henry Smith, of Massachusetts, to be paid upon the principles of justice and equity..... $2,000 00

By the act for the relief of Elizabeth Jones and the other children (if any) of John Carr.

The amount of pension ascertained to have been due to the said John Carr at his death; the amount so to be paid to be computed at the rate of eight dollars a month, from the eighteenth day of May, eighteen hundred and eighteen, to the seventh day of June, eighteen hundred and thirty one..... [Indefinite.]

By the act for the relief of Mary B. Renner, administratrix of Daniel Renner, deceased.

A rope-walk and of seine-twine therein, in the District of Columbia, destroyed by the public enemy in the month of August, eighteen hundred and fourteen, belonging to said firm..... $6,744 00

By the act for the relief of Colonel James R. Creecy.

Money expended and services rendered by him in raising a regiment for the Mexican war..... $552 50

By the act for the relief of Margaret Farrar.

The amount of interest, at the rate of six per centum per annum, due and unpaid to Margaret Farrer, a half-breed Indian, under the treaty of eighteen hundred and thirty-six, with the Sacs and Fox Indians..... $400 00

By the act for the relief of the legal representatives of Bernard Todd, deceased.

The appraised value of the buildings of the said Bernard Todd, which were burnt by the British forces in September, eighteen hundred and fourteen, in consequence of their being used and occupied by troops in the service of the United States for military purposes..... $4,315 00

By the act for the relief of Captain George P. Smith.

For so much money paid and expended by the said George P. Smith, of his private means, for the use of the United States..... $200 00

By the act to provide for the payment of the companies of Captains Bush, Price, and Suarez, for military services in Florida.

The pay and allowances of mounted troops to the following militia forces of the Territory of Florida, for the period of their respective service, as hereinafter specified, to wit:

Captain Bush's company of mounted troops from the twenty-fifth day of January, one thousand eight hundred and thirty-eight, to the twenty-fifth day of January, one thousand eight hundred and thirty-nine; Captain Price's company of mounted troops, from the twentieth day of January eighteen hundred and thirty-eight, to the twentieth day of July, one thousand eight hundred and thirty-nine; Captain Suarez's company of mounted troops, from the twentieth day of July, one thousand eight hundred and thirty-eight, to the twentieth day of January, eighteen hundred and thirty-nine..[Indefinite.]

By the act for the relief of Benjamin S. Roberts.

The full amount of his pay and subsistence as a second lieutenant in the first regiment of dragoons, from the twenty-eighth day of January, one thousand eight hundred and thirty-nine, when he was coerced to resign his commission of second lieutenant in the first regiment of dragoons, without authority of law, until the twenty-seventh day of May, one thousand eight hundred and forty-six, when he was restored to the Army..... [Indefinite.]

By the act for the relief of Catharine Proctor Hayden, only child and heir of John White, deceased, late a lieutenant colonel in the fourth Georgia battalion of the Revolutionary Army.

For the seven years' half pay of the said John White, and for advances made by him to the Government during the revolutionary war, and for which Treasury certificates were improperly issued to Susannah Richardson and John Richardson, in the year seventeen hundred and ninety-three..... $6,703 57

By the act for the relief of John Charles Frémont, late lieutenant colonel in the Army of the United States.

To liquidate and satisfy the judgment, damages, and costs recovered, and such expenses in defense of said suit as the Secretary of the Treasury shall deem reasonable, which has been recoved, or may be recovered, against John Charles Frémont, late a lieutenant colonel in the Army of the United States, by Anthony Gibbs & Sons, assignees of F. Hüttman, in her Britannic Majesty's court of exebequer, at Westminster, in England, on four several bills of exchange, or each and every of them, drawn by the said John Charles Frémont at Ciudad de los Angelos, in the then Upper California, on the eighteenth day of March, eighteen hundred and forty-seven, amounting in all to nineteen thousand five hundred dollars, in favor of one F. Hüttman, for moneys advanced for the public service, the said bills having been drawn on James Buchanan, Secretary of State, and payment refused by him for want of any appropriation out of which the same could be paid, and the said Frémont being sued in London for the same..... $19,500 00

By the act for the relief of L. M. Goldsborough and others.

For expenses incurred by them, respectively, while serving upon a joint commission of Army and Navy officers in California and Oregon, during the years eighteen hundred and forty-nine and eighteen hundred and fifty, double the pay of a commander in the Navy, in sea service, during the exact time of their employment on said coasts as aforesaid, to wit: from the first of April, eighteen hundred and forty-nine, to the twenty-seventh of November, eighteen hundred and fifty, deducting therefrom the regular pay accruing to said officers during that period..... [Indefinite.]

Commutation of fuel and quarters from the first of April, eighteen hundred and forty-nine, to the twenty-seventh of November, eighteen hundred and fifty, equal in amount to the allowance authorized to a major of the Army on duty at San Francisco during that time, deducting therefrom the commutation to which they would have been entitled, respectively, at their posts in the Atlantic States..... [Indefinite.]

By the act for the relief of the legal representatives of Walter Colton.

The amount deposited by said Colton in the Treasury of the United States, above the net amount for which the prize ship Admittance was purchased by his agent..... $7,865 38

By the act for the relief of Harlow Spaulding.

The usual compensation allowed naval storekeepers in foreign places, for the time he acted in that capacity at Port Mahon and Spezzia, after deducting the amount received by him as compensation for his services as clerk..... [Indefinite.]

By the act for the relief of John Huffington.

For the loss of the schooner Relief, sunk in eighteen hundred and twenty-two, while in the employ of the United States in transporting stone to the Rip Raps; but no interest shall be allowed on said sum..... $2,000 000

By the act for the relief of Lewis H. Bates and William Lacon.

For losses and damages sustained by them by the proceedings of custom-house officers at New York, in exacting from them, upon certain importations of iron into that port, made between the first day of June, eighteen hundred and twenty-nine, and the first day of January, eighteen hundred and thirty-two, higher duties than were required by law, and in seizing and libeling some of said goods upon refusal of said Bates and Lacon to enter the same as subject to such higher duty, and for certain costs of court paid by them and not reimbursed..... [Indefinite.]

By the act for the relief of S. Morris Wain.

For the amount of duties paid on one hundred and sixty quarter casks, and sixty-two Indian barrels of Malaga wine, imported in December, eighteen hundred and thirty-three, in the brig Canning; one hundred and eighty-nine quarter casks of Malaga wine, imported in May, eighteen hundred and thirty-three, in the brig Virginia; nine pipes and one quarter cask of Madeira wine, imported in September, eighteen hundred and thirty-three, in the brig Forest; ninety-nine casks of Oporto wine, imported in the brig Elbe, via New York, and reshipped under bond, per schooner Perseverance, to Philadelphia, in December, eighteen hundred and thirty-three; and seven pipes and seventeen hogsheads of Sicily Madeira wine, imported via Boston, and reshipped under bond, per brig Echo, to Philadelphia, in June, eighteen hundred and thirty-three, which wines were destroyed in Philadelphia by fire, while in store in the custody of the Custom-House..... [Indefinite.]

By the act granting a pension to Elizabeth Monroe.

For a pension, payable semi annually, equal to one half the pay to which the said Thomas J. C. Monroe was entitled at the time of his decease..... [Indefinite.]

By the act for the relief of George Poindexter.

For the use and occupation of his property by the volunteers from the State of Kentucky, mustered into the service of the United States for the war in Mexico..... $1,500 00

By the act for the benefit of John Ozias.

For the amount paid by him on the thirty-first of October, eighteen hundred and thirty-five, for a quarter section of land which the Government had sold to another..... $200 00

By the act authorizing the adjustment and payment of the claims of William Hazzard Wigg, deceased, for losses sustained by him during the war of the Revolution.

For losses sustained by him, the said Wigg, while retained as a hostage by the British officers during the war of the Revolution..... $37,197 00

By the act for the relief of the Southern Michigan Railroad Company.

For services in the transportation of the great northern mail from Toledo to Hillsdale, beyond Detroit, in the State of Michigan..... $971 43

By the resolution for the relief of the heirs of David Cordery.

For the value of a certain reservation of six hundred and forty acres as unimproved land at the date of the treaty of eighteen hundred and thirty-five, which reservation was allowed under the eighth article of the treaty of eighteen hundred and seventeen, and thirteenth article of the treaty of eighteen hundred and thirty-five, made with the Cherokee Indians..... [Indefinite.]

RECAPITULATION.

Civil, Diplomatic, and Miscellaneous	$11,282,374 16
Army Fortifications, Military Academy, and Harbors and Rivers	10,429,699 81
Indian Department, Naval, Revolutionary, and other Pensions	2,837,529 73
Naval service	8,909,960 77
Post Office Department and Ocean Mail Steamers	12,519,750 00
Total	$45,919,598 47

II.—OFFICES CREATED AND THE SALARIES THEREOF.

By the act to amend an act entitled "An act to create the office of Surveyor General of the public lands in Oregon, and to provide for the survey and to make donations to the settlers of the said public lands," approved September 27, 1850.

A Receiver of public moneys to be appointed for the Territory of Oregon, west of the Cascade Mountains, who shall be allowed not exceeding five hundred dollars per annum, for the safe keeping and accounting for the public moneys by him received, including all charges for office rent and clerk hire.

A Register of the land office for the Territory of Oregon, west of the Cascade Mountains, to be appointed, whose compensation shall be equal to that allowed to the Receiver of Public Moneys to be appointed under this act.

By the act to establish the Territorial Government of Washington.

A Governor authorized to be appointed, to receive an annual salary of fifteen hundred dollars as Governor, and fifteen hundred dollars as Superintendent of Indian Affairs.

A Secretary authorized to be appointed, to receive an annual salary of fifteen hundred dollars.

A Chief Justice and two Associate Justices of the Supreme Court, to receive each an annual salary of two thousand dollars.

An Attorney for the Territory to be appointed, to receive the same fees as the Attorney for the Territory of Oregon.

A Marshal for the Territory to be appointed, to receive the same fees as the Marshal for the Territory of Oregon, and the sum of two hundred dollars per annum for extra services.

A Legislative Council, consisting of nine members, to receive each three dollars a day during their attendance, and three dollars each for every twenty miles travel.

A House of Representatives, consisting of eighteen members, to receive three dollars each per day during their at-

tendance, and three dollars each for every twenty miles travel.

A Chief Clerk, to receive five dollars a day during the sitting of the Legislature.

An Assistant Clerk, to receive three dollars a day during the sitting of the Legislature.

A Sergeant-at-Arms, to receive three dollars a day during the sitting of the Legislature.

A Doorkeeper, to receive three dollars a day during the sitting of the Legislature.

A Delegate in Congress, to receive the per diem compensation and mileage allowed the Delegate from Oregon.

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854.

An additional Appraiser General on the Pacific coast to be appointed, to receive a salary of six thousand dollars per annum.

An Assistant Secretary of State, at a salary of three thousand dollars per annum.

An assay office established in New York, and the requisite number of officers and clerks authorized, to receive the compensations allowed for "corresponding services" in the Mint of the United States and its branches.

The Clerk of the United States District Court for the Northern district of Mississippi authorized to perform the duties of Register and Receiver of the land office at Pontotoc, Mississippi, upon the discontinuance of the same, and made *keeper of the records* and files thereof; for which services he is allowed five hundred dollars per annum.

By the act to provide for the survey of public lands in California, the granting of preëmption rights therein, and for other purposes.

A Surveyor General for the district or State of California authorized, at a salary of four thousand five hundred dollars per annum, and allowed for clerk hire eleven thousand dollars per annum, the salary of each clerk not to exceed two thousand five hundred dollars per annum.

A Register of the Land Office for the State of California authorized, at a salary of three thousand dollars per annum.

A Receiver of Public Moneys for the State of California authorized, at a salary of three thousand dollars per annum.

The Surveyors General of the United States, respectively, authorized to appoint, each, a confidential agent to inspect the surveying operations while in progress, who shall each receive five dollars a day while so employed.

By the act to provide for additional clerks, and extend the sessions of the Legislative Assembly of the Territory of New Mexico.

A translator and interpreter, and two additional clerks, authorized, and the accounts and charges for the same to be audited and settled in the manner provided for as in other cases.

III.—OFFICES THE SALARIES OF WHICH HAVE BEEN INCREASED, WITH THE AMOUNT OF SUCH INCREASE.

By the act to make the salary of the Judge of the Criminal Court of the District of Columbia equal to that of the Assistant Judge of the Circuit Court of said District.

The salary of the Judge of the Criminal Court is increased by this act five hundred dollars per annum.

By the act to amend an act entitled "An act to create the office of Surveyor General of the Public Lands in Oregon, and to provide for the survey and to make donations to the settlers of the said public lands," approved September 27, 1850.

To compensate the Surveyor General of the Territory of Oregon for the additional labors and responsibilities imposed by this act, he shall receive two per centum on all sums received, kept, paid over, and accounted for; to include the payment for clerk hire, costs, and incidental expenses: Provided, that the salary and percentage of said surveyor, and for clerk hire, shall not exceed four thousand dollars for any one year.

By the act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money under the fifteenth section of the act of the 9th April, 1846, for the additional services under that act.

The depositaries referred to to receive a specified percentage, not to exceed in amount fifteen hundred dollars per annum.

By the act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1853.

The Assistants to the Superintendent of the naval astronomical expedition to Chili to be allowed the same ratable increased compensation as was allowed the Superintendent by the act of March 3, 1851.

By the act making appropriations for the Naval service for the year ending the 30th of June, 1854.

The salary of the Assistant Observer or Astronomer at the National Observatory raised from one thousand five hundred dollars to two thousand dollars per annum.

The salary of the principal clerk at the said Observatory raised from one thousand dollars to one thousand two hundred dollars per annum.

The pay of a purser when attached to, or doing duty at, the naval station at California, shall be four thousand dollars per annum.

A clerk to a purser at that station to be allowed a salary of two thousand dollars per annum.

The first and second clerks of the commandants at Boston, New York, Washington, Norfolk, and Pensacola, to receive the pay of the two lowest classes of clerks of the bureaus of the departments.

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854.

The clerks in the Treasury, War, Navy, the Interior, and the Post Office, are to be arranged in four classes, and to receive the annual salaries specified for each class. To some, when thus classified, the salaries will be increased; to others diminished.

The salaries of the chief clerks of the First and Second Comptroller, First Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, increased from seventeen hundred dollars to two thousand dollars per annum; the salary of the chief clerk of the Second Auditor increased from eighteen hundred dollars to two thousand dollars per annum; the salary of the chief clerk of the Commissioner of the Customs increased from seventeen hundred dollars to two thousand dollars per annum; the salaries of the chief clerks of the Treasurer, Commissioner of Pensions, Register, and Commissioner of Patents, increased from seventeen hundred dollars to two thousand dollars; the salary of the chief clerk of the Commissioner of the Land Office increased from eighteen hundred dollars to two thousand dollars; and the salaries of the chief clerks of the Departments of Treasury, War, Navy, Interior, and General Post Office, increased from two thousand dollars to twenty-two hundred dollars each per annum.

The salary of the Vice President of the United States increased from five thousand dollars to eight thousand dollars; the salary of the Secretary of State increased from six thousand dollars to eight thousand dollars; and the salaries of the Secretaries of the Treasury, War, Navy, Interior, the Postmaster General, and the Attorney General, increased from six thousand dollars to eight thousand dollars each.

The Assistant Treasurer of the United States in New York, (performing the duties of the Treasurer of the Assay Office,) to receive a salary of six thousand dollars per annum, instead of four thousand dollars per annum.

The salary of each of the Commissioners for settling land claims in California, appointed under the act of 3d March, 1851, increased from six thousand dollars to eight thousand dollars per annum.

The salary of the Collector at Chicago raised to twelve hundred and fifty dollars per annum.

The salaries of the Deputy Surveyors at Boston, New York, Philadelphia, Baltimore, and New Orleans, increased to two thousand dollars per annum.

The salary of the Treasurer of the Mint at Philadelphia increased one thousand dollars, and the salary of the Treasurer of the Branch Mint at New Orleans increased five hundred dollars.

The salary of the Superintendent of the Coast Survey increased from four thousand five hundred dollars to six thousand dollars per annum.

By the act to establish certain post-roads, and for other purposes.

The Postmaster at Richmond, Virginia, and the Postmaster at Cleveland, Ohio, allowed the same commission as is allowed to the postmasters at other distributing offices.

MAY 27, 1853.

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